



भारत का राजपत्र The Gazette of India

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सं 39] नई दिल्ली, शनिवार, सितम्बर 29, 1990/आश्विन 7, 1912
No. 39] NEW DELHI, SATURDAY, SEPTEMBER 29, 1990/ASVINA 7, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सार्वजनिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

गृह मंत्रालय
(आन्तरिक सुरक्षा विभाग)
(पुनर्वास प्रभाग)
नई दिल्ली, 31 अगस्त, 1990

का.आ. 2521—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा गृह मंत्रालय, पुनर्वास प्रभाग में उप मन्त्रि श्री कुलवीर राय को दिनांक 27-7-90 से उक्त अधिनियम के द्वारा अथवा उसके अधीन उन्हें संयुक्त मुख्य बन्दीबस्त आयुक्त के रूप में सीपे गये कार्यों का निष्पादन करने के उद्देश्य से संयुक्त मुख्य बन्दीबस्त आयुक्त नियुक्त करती है।

[संख्या-1(1)/विशेष कक्ष/90-एस.एस.-II एस.]

रतन लाल, अवर सचिव

MINISTRY OF HOME AFFAIRS
(Department of Internal Security)
(Rehabilitation Division)

New Delhi, the 31st August, 1990

S.O. 2521.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compen-

2516 GI/90—1

(4293)

sation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoint Shri Kuldip Rai, Deputy Secretary in the Ministry of Home Affairs, (Rehabilitation Division) as Joint Chief Settlement Commissioner for the purpose of performing the functions assigned to such Joint Chief Settlement Commissioner by or under the said Act with effect from 27th July, 1990.

[No. 1(1)/Spl. Cell/90-SS.II/S]

RATTAN LAL, Under Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

प्रादेश

नई दिल्ली, 13 सितम्बर, 1990

का.आ. 2522—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बिहार राज्य सरकार को सहमति से, [एस.सी.सं. 3/सी4/10435/87 (खंड ग. आ. दिनांक 25-6-1990)] द्वितीय अनुवाद (द्वारा), दिल्ली विशेष पुलिस

स्थापन के लक्ष्यों की पूर्ति के लिए अधिकारिता का निम्नलिखित ढंग से
के सम्बन्ध में लिये सम्पूर्ण विचार राज्य सरकार विस्तार करती है—

(क) श्री बाल्मिकी गर्मा, भूतपूर्व लेखापाल, जिला शिक्षा अधीक्षक का कार्यालय गया द्वारा 42 लाख रुपये के गबन से संबंधित अपराध के संबंध में भारतीय दंड संहिता की धारा 120-बी, 420, 467, 468, 471 और 193 के साथ पठित दंड प्रक्रिया संहिता की धारा 195 और पी.सी. एक्ट, 1947 की धारा 5(2) के साथ पठित धारा 5(1)(ग) एवं (घ) समस्ती पी.सी. एक्ट, 1988 की धारा 13(1)(ग) एवं (घ) के साथ पठित धारा 13(2) के अर्धीन दंडनीय अपराध।

(ख) ऊपर वर्णित अपराधों में से किसी एक या अधिक अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले वेमही संव्यवहारों के अनुक्रम से किये गये किसी अन्य अपराध या अपराधों के संबंध में या उनमें संसक्त प्रयत्न, दृष्टरेणा और वश्यत।

[संख्या 228/7/88-ए.बी.सी.-II]

जी. सीतारामन, धवर मन्त्रि

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel & Training)

ORDER

New Delhi, the 13th September, 1990

S.O. 2522.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Bihar (vide consent order No. SC No. 3/C 4/10435/87 (Part) H(P) dated 25th June, 1990 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Bihar for investigation of offences as hereunder:—

- (a) Offences punishable under section 120-B, 420, 467, 468, 471 and 193 Indian Penal Code read with 195 Cr. P.C. and section 5(2) read with section 5(1)(c) and (d) of Prevention of Corruption Act, 1947 corresponding to section 13(2) read with section 13(1)(c) and (d) of Prevention of Corruption Act, 1988 in regard to the crime relating to embezzlement of Rs. 42 lacs by Sri Balmiki Sharma, Ex. Accountant of District Education Office, Gaya.
- (b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/7/88-AVD. II]

G. SITARAMAN, Under Secy.

बिना मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 19 जुलाई, 1990

(आय-कर)

का.आ. 2523—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "सर्वेदुस आक इंडिया सोसायटी, पुणे" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 तथा 1989-90 के लिये अधिसूचित करती है।

[सं. 8709/फा.सं. 197/103/90-आ. कर(नि.-1)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 19th July, 1990

(INCOME-TAX)

S.O. 2523.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Servants of India Society, Pune" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8709/F. No. 197/103/90-IT (A-I)]

नई दिल्ली, 30 जुलाई, 1990

(आय-कर)

का.आ. 2524—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80G की उप-धारा (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "अरुलमिगु मानाकुला विनयागर थिरुकायल (मन्दिर), पांडिचेरी" को उक्त धारा के प्रयोजनार्थ पांडिचेरी एवं राज्य क्षेत्र में एक सांस्कृतिक प्रसिद्ध पञ्चा-स्थल एवं ऐतिहासिक महत्व के स्थल के रूप में अधिसूचित करती है।

[सं. 8715/फा.सं. 176/67/88-आ. कर (नि.-I)]

New Delhi, the 30th July, 1990

(INCOME-TAX)

S.O. 2524.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Arulmigu Manakula Vinayagar Thirukoil (Temple), Pondicherry" to be a place of public worship of renown and of historical importance throughout the Union Territory of Pondicherry for the purpose of the said section.

[No. 8715/F. No. 176/67/88-IT (-I)]

नई दिल्ली, 31 जुलाई, 1990

(आय-कर)

का.आ. 2525—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80G की उपधारा (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "अरुलमिगु वीरवराट्टेश्वर मन्दिर, कीलायूर, तमिलनाडु" को उक्त उपधारा के प्रयोजनार्थ तमिलनाडु राज्य में ऐतिहासिक महत्व के स्थानों में से एक स्थान के रूप में अधिसूचित करती है।

[सं. 8716/फा.सं. 176/37/89-आ. कर (नि.-I)]

New Delhi, the 31st July, 1990

(INCOME-TAX)

S.O. 2525.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Arulmigu Veerateswarar Temple, Keelalayur, Tamilnadu" as one of historical importance in the State of Tamilnadu for the purpose of the said section.

[No. 8716/F. No. 176/37/89-IT (A-I)]

(आय-कर)

का.प्र. 2526-आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "आर्कडायोसीस आफ त्रिवेंद्रम" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिये अधिसूचित करती है।

[सं. 8717(फा.सं. 197/34/89-आ. कर(नि.1)]

आनन्द किशोर, धरम सचिव

(INCOME-TAX)

S.O. 2526.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Archdiocese of Trivandrum" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8717/F. No. 197/34/89-IT (A-I)]

ANAND KISHORE, Under Secy.

आदेश

नई दिल्ली, 11 सितम्बर, 1990

(स्टाम्प)

का.प्र. 2527-भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो विद्युत बिजली निगम लिमिटेड द्वारा जारी किये जाने वाले तीन सौ और पचास करोड़ रुपये मात्र के मूल्य के "9% कर-मुक्त पी एफ सी बंधपत्रों (चौथी श्रृंखला)" के रूप में वर्णित ऋणपत्रों के स्वरूप के बंधपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं. 26/90-स्टाम्प-फा.सं. 33/16/90-वि.क.]

ORDER

New Delhi, the 11th September, 1990

(STAMPS)

S.O. 2527.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the bonds in the nature of debentures described as "9 per cent Tax Free PFC Bonds (IV Series)" of the value of rupees three hundred and fifty crores only to be issued by the Power Finance Corporation Limited are chargeable under the said Act.

[No. 26/90-Stamp-F. No. 33/16/90-ST]

आदेश

नई दिल्ली, 10 सितम्बर, 1990

(स्टाम्प)

का.प्र. 2528.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो नेबली लिमिटेड कार्पोरेशन लि. द्वारा जारी किये जाने वाले निम्नलिखित रूप में वर्णित ऋणपत्रों के स्वरूप के बंधपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभावी है:—

"(1) दो सौ करोड़ रुपये के मूल्य के 9% कर-मुक्त बंधपत्र,

(2) दो सौ करोड़ रुपये के मूल्य के 13% कराधेय बंधपत्र"।

[सं. 25/90-स्टाम्प-फा.सं. 33/48/90-ग. क.]

ORDER

New Delhi, the 10th September, 1990

(STAMPS)

S.O. 2528.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures described as:

"(i) 9 per cent tax free bonds of the value of rupees two hundred crores;

(ii) 13 per cent taxable bonds of the value of rupees two hundred crores",

to be issued by Neyveli Lignite Corporation Limited are chargeable under the said Act.

[No. 25/90-Stamp-F, No. 33/48/90-ST]

आदेश

नई दिल्ली, 12 सितम्बर, 1990

(स्टाम्प)

का.प्र. 2529-भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो शिपिंग क्रेडिट एण्ड इन्वेस्टमेंट कंपनी आफ इंडिया लिमिटेड द्वारा जारी किये जाने वाले निम्नलिखित के रूप में वर्णित प्रामिसरी नोटों के स्वरूप के बंधपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभावी है:—

(1) पच्चीस करोड़ रुपये मात्र के मूल्य के "11.5% कराधेय बंधपत्र (तीसरी श्रृंखला)";

(2) पचास करोड़ रुपये मात्र के मूल्य के "9% कर-मुक्त बंधपत्र (चौथी श्रृंखला)";

(3) पचास करोड़ रुपये मात्र के मूल्य के "13% कराधेय बंधपत्र (पांचवीं श्रृंखला) "।

[सं. 29/90-स्टाम्प-फा.सं. 33/68/90-वि.क.]

ORDER

New Delhi, the 12th September, 1990

(STAMPS)

S.O. 2529.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as:

(i) "11.5 per cent taxable bonds (series 3)" of the value of rupees twenty five crores only;

(ii) "9 per cent tax-free bonds (series 4)" of the value of rupees fifty crores only; and

(iii) "13 per cent taxable bonds (series 5)" of the value of rupees fifty crores only,

to be issued by the Shipping Credit and Investment Company of India Limited are chargeable under the said Act.

[No. 29/90-Stamp-F. No. 33/68/90-ST]

शुद्धि पत्र

नई दिल्ली, 12 सितम्बर, 1990

का.भा. 2530.—भारत के राजपत्र, भाग-II, खंड 3, उपखंड (ii), दिनांक 14 मई, 1988 में पृष्ठ 1939 पर प्रकाशित भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) की अधिसूचना संख्या का.भा. 1469, दिनांक 3 मई, 1988 में :—

पंक्ति 6 में संख्या "2000" के स्थान पर "2001" पढ़िए।

[सं. 27/90-स्टाम्प-फा.सं. 33/30/88-वि. क.]

CORRIGENDUM

New Delhi, the 12th September, 1990

S.O. 2530.—In the notification of the Government of India in the Ministry of Finance (Department of Revenue), S.O. 1469, dated the 3rd May, 1988 published at page 1939 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 14th May, 1988 :—

In line 6 for the figures '2000' read '2001'.

[No. 27/90-Stamp-F. No. 33/30/88-ST]

शुद्धि पत्र

नई दिल्ली, 13 सितम्बर 1990

का. भा. 2531.—भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) दिनांक 7 अक्टूबर, 1989 में पृष्ठ 2997 पर प्रकाशित भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) की अधिसूचना संख्या का. भा. 2471, दिनांक 15 सितम्बर, 1989 में :—

पंक्ति 7 में संख्या "47" के स्थान पर "48" पढ़िए।

[सं. 28/90-स्टाम्प फा. सं. 33/82/89 वि. क.]

श्री. के. स्वामीनाथन, प्रवर सचिव

CORRIGENDUM

New Delhi, the 13th September, 1990

S.O. 2531.—In the notification of the Government of India in the Ministry of Finance (Department of Revenue) S.O. 2471, dated the 15th September, 1989 published at page 2997 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 7th October, 1989 :—

In line 7 for the figures '47' read '48'.

[No. 28/90-Stamp-F. No. 33/82/89-ST]

V. K. SWAMINATHAN, Under Secy.

[महानिदेशक (आयकर छूट) का कार्यालय]

कलकत्ता, 28 अगस्त, 1990

आयकर

का. भा. 2532.—सर्वमधारण की सूचना के लिये एवम् द्वारा यह अधिसूचना किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम

1961 की धारा 35 (पैतींग/एक/दो) की उपधारा (i) के खण्ड (ii) के लिये, सचिव, वैज्ञानिक और अनुसंधान औद्योगिक विभाग की सहमति से आयकर नियम, 1962 नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संघ" प्रयोग के अधीन अनुमोदित किया गया है।

- (1) संगठन वैज्ञानिक अनुसंधान के लिये प्राप्त धन के लिये एक अलग लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यक्रमों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून, तक, लेख-परीक्षित वार्षिक लेखों की एक प्रति अपनी व्यय, आस्तियों एवं देदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

संगठन का नाम

इंस्टीच्यूट ऑफ किडनी रिसर्च एण्ड रिसर्च सेंटर बि. जे. मैटिकल कालेज एण्ड सिविन हॉस्पिटल, निऊ ब्लाक प्राउण्ड फ्लोर अहमदाबाद 380016 गुजरात

यह अधिसूचना दिनांक 1-4-1990 से 31-3-1991 तक की अवधि के लिये प्रभावी है।

टिप्पणी: संगठन को अनुमोदन की अवधि बढ़ाने के लिये अनुसंधान की समाप्ति के तीन माह पूर्व आयकर आयुक्त आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करने के लिये सुझाव दिया जाता है। विशेष मामलों में, जहां अनुमोदन आवेदन उपर्युक्त तीन माह की समाप्ति पर अवधि उक्त अवधि की समाप्ति के ठीक पूर्व प्राप्त हुआ हो, संगठन अनुमोदन आवेदन प्राप्त करने पश्चात् यथाशीघ्र अनुमोदन की अवधि बढ़ाने के लिए आवेदन करें। इस अनुमोदन की अवधि बढ़ाने के सम्बन्ध में किए गए आवेदन पत्र की 8 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[सं. 233/फा.सं. डी.जी./सी 1/कल 35(1)(ii) 89-

आ.कर (छूट)]

[Office of the Director General of Income-tax (Exemptions)]

Calcutta, the 28th August, 1990

(INCOME-TAX)

S.O. 2532.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General of Income-tax (Exemptions) in concurrence with the Secretary, Department of Scientific and Industrial Research for the purposes of clause (ii) of Sub-section (1) of Section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain a separate account of the sums received by it for Scientific Research;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016

for every financial year by 31st May of each year; and

- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.

NAME OF THE ORGANISATION

Institute of Kidney Diseases and Research Centre,
B. J., Medical College and Civil Hospital,
New Block, Ground Floor,
Ahmedabad-380016, (Gujarat).

This Notification is effective for the period from 1-4-1990 to 31-3-1991.

NOTE.—The Organisation is advised to apply (in triplicate) for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the Organisation, three months before the expiry of the approval. In exceptional cases where the order granting approval is received after the expiry of the period of three months aforesaid or shortly before the expiry of the said period, the organisation may make an application for extension of approval as soon as possible after the receipt of the order of approval. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 233/F. No. D.G./G-1/Cal/35(1)(ii)|89-IT(E)]

कलकत्ता, 30 अगस्त, 1990

आयकर

का. प्रा. 2533.—सर्वसाधारण की सूचना के लिए एनद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 (पैरिस एक/दो) की उपधारा (i) के खंड (ii) के लिए, सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग की सहमति से, आयकर नियम, 1962 के नियम 6 के अधीन विहित प्राधिकारी अर्थात् महानिदेशक (आयकर छूट) द्वारा निम्नलिखित शर्तों पर "संस्था" प्रवर्ग के अधीन अनुमोदित किया गया है।

- (1) संगठन वैज्ञानिक अनुसंधान के विषय प्राप्त धन के लिए एक भवन लेखा रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष की 31 मई तक, सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, औद्योगिक भवन, न्यू मेहरौली रोड, मई दिल्ली-110016 को भेजेगा।
- (3) यह प्रत्येक वर्ष की 30 जून तक, लेखापरीक्षित वार्षिक लेखों की एक प्रति अपनी ध्वज, आस्तियों एवं देनदारियों के विवरण सहित, (क) महानिदेशक (आयकर छूट) (ख) सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में पड़ता है, को प्रस्तुत करेगा।

संगठन का नाम

भारतीय वैद्यक समन्वय समिति, श्री आर्यवैद महाविद्यालय, नगपुर
नगर नमपुर-440009

यह अधिसूचना दिनांक 1-4-90 से 31-3-91 तक की अवधि के लिये प्रभावी है।

टिप्पणी संगठन का अनुमोदन की अवधि बढ़ाने के लिये अनुमोदन की समाप्ति के तीन माह पूर्व आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है, के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करने के लिये सुझा दिया जाता है। विशेष मामलों में, जहाँ अनुमोदित आवेदन उपर्युक्त तीन माह की समाप्ति पर अथवा उक्त अवधि की समाप्ति के ठीक पूर्व प्राप्त हुआ हो, संगठन अनुमोदित आवेदन प्राप्त करने के पश्चात् यथाशीघ्र अनुमोदन की अवधि बढ़ाने के लिए आवेदन करे। इस अनुमोदन की अवधि बढ़ाने के सम्बन्ध में किए गए आवेदन-पत्र का 6 प्रतियाँ सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[सं. 234(फा. स. की.ओ./एम-48/कल/35(1)(ii) 89-मा.
कर (छूट)]

जे. चक्रवर्ती, उपनिदेशक आयकर (छूट)

Calcutta, the 30th August, 1990

(INCOME-TAX)

S.O. 2533.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, 1962, i.e., the Director General of Income-tax (Exemptions) in concurrence with the Secretary, Department of Scientific and Industrial Research for the purposes of clause (ii) of Sub-section (1) of Section 35 (Thirty Five/one/two) of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- The organisation will maintain a separate account of the sums received by it for Scientific Research;
- It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary Department of Scientific and Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation, by the 30th June each year a copy of its audited annual accounts showing its income and expenditure, and its assets and liabilities.

NAME OF THE ORGANISATION

Bhartiya Vaidyak Samanvaya Samiti,
Shri Ayurved Mahavidyalaya,
Hanuman Nagar,
Nagpur-440009.

This Notification is effective for the period from 1-4-1990 to 31-3-1991

NOTE.—The organisation is advised to apply (in triplicate) for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/the Director of Income-tax (Exemptions) having jurisdiction over the organisation, three months before the expiry of the approval. In exceptional cases where the order granting approval is received after the expiry of the period of three months aforesaid or shortly before the expiry of the said period, the organisation may make an application for extension of approval as soon as possible after the receipt of the order of approval. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 234/F. No. D.G./M-48/Cal/35(1)(ii)|89-IT(E)]
J. CHAKRABORTY, Dy. Director (I. T. Exemptions)

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 7 सितम्बर, 1990

का. प्रा. 2534.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10), की धारा 6 की उप-धारा (i) के खण्ड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "किराया-खरीद" को एक व्यवसाय के रूप में विनिर्दिष्ट करती है जिसमें कोई बैंकिंग कम्पनी कानूनी तौर पर हिस्सा ले सकती है।

[संख्या 15/6/89-बी.प्रा.-III]

प्रण नाथ, अधर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi the 7th September, 1990

S.O. 2534.—In exercise of the powers conferred by Clause (o) of the sub-section (1) of section 6 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government hereby specifies "hire-purchase" as a form of business in which it is lawful for a banking company to engage.

[No. 15/6/89-B.O. III]

PRAN NATH, Under Secy.

नई दिल्ली, 12 सितम्बर, 1990

का. प्रा. 2535.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, यह घोषित करती है कि, उपरोक्त अधिनियम की धारा 11 की उप-धारा (i) के उपबंध, बिरभूमि जिला केन्द्रीय सरकारी बैंक लि., बिरभूमि (पश्चिम बंगाल) पर इस अधिसूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख से लेकर 31 दिसम्बर, 1992 तक लागू नहीं होंगे।

[एफ संख्या 6(1)/90-ए. सी.]

पी. के. तेजयान, अधर सचिव

New Delhi, the 12th September, 1990

S.O. 2535.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act, shall not apply to the Birbhum District Central Cooperative Bank Ltd., Birbhum (West Bengal) from the date of publication of this notification in the official Gazette to 31st December, 1992.

[F. No. 6(1)/90-AC]

P. K. TEJYAN, Under Secy

(आई एक आई अनुभाग)

नई दिल्ली, 17 सितम्बर, 1990

का. प्रा. 2535.—केन्द्रीय सरकार, औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 13) की धारा 21 की उप-धारा (2) के अनुसरण में भारतीय औद्योगिक वित्त निगम के निदेशक बोर्ड की सिफारिश पर उक्त नियम धारा 24 सितम्बर, 1990 को जारी किए जाने वाले और 24

सितम्बर, 2010 को परिपक्व होने वाले बांडों पर रेंड ब्याज की दर एतद्वारा 11.5 (सहस्र ग्यारह प्रतिशत) वार्षिक निर्धारित करती है।

[का. स. 2(23)/90-आई. एफ. I]

बी. पी. भारद्वाज, अधर सचिव

(IF.I Section)

New Delhi, the 17th September, 1990

S.O. 2536.—In pursuance of sub-section 2 of Section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, on the recommendation of the Board of Directors of the Industrial Finance Corporation of India, hereby fixes 11.5 per cent (eleven and a half per cent) per annum as the rate of interest payable on the bonds to be issued by the said Corporation on 24th September, 1990 and maturing on 24th September, 2010.

[F. No. 2(23)/90-IF.I]

V. P. BHARDWAJ, Under Secy.

वाणिज्य मन्त्रालय

नई दिल्ली, 13 सितम्बर, 1990

का. प्रा. 2537.—केन्द्रीय सरकार, निर्यात (स्वागति निरीक्षण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा, 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्यात (स्वागति निरीक्षण और निरीक्षण) नियम, 1964 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम निर्यात (स्वागति निरीक्षण और निरीक्षण (संशोधन) नियम, 1990 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. निर्यात (स्वागति निरीक्षण और निरीक्षण) नियम, 1964 जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है,—

(क) नियम 13 के उप-नियम (6) के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात्:—

"(6) आवेदक द्वारा प्ररूप 5 में अंग्रेजि बंधन निष्पादित करने के पश्चात् केन्द्रीय सरकार आवेदक को प्ररूप 2 में अनुमोदन प्रमाणपत्र जारी करेगी जो एक वर्ष से अधिक ऐसी अवधि के लिए जो इसमें विनिर्दिष्ट की जाए, विधि-मार्ग होगा।";

(ख) उक्त नियम में विद्यमान प्ररूप 2 के स्थान पर निम्नलिखित प्ररूप रखा जाएगा, अर्थात्:—

"फार्म स. 2"

[नियम 13(6) देखिए]

भारत सरकार

वाणिज्य मन्त्रालय

परीक्षण सदन पर्यवेक्षक प्रनिर्देशक के अनुमोदन का प्रमाण पत्र।

निर्यात (स्वागति निरीक्षण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7(2) के अनुसार विहित प्रक्रिया का अनुपालन करते हुए, परीक्षण सदन/पर्यवेक्षकों/परिषदायकों को जिनकी प्रवृत्तियां नीचे दी गई हैं, निर्यात के लिए आगमन अनुमति के परीक्षण/सर्वेक्षण अनुमति लेने के लिए केन्द्रीय सरकार द्वारा अनुमोदित किया जाता है।

नाम:

पता:

प्रयोगशाला परीक्षण उद्देश्य के अन्तर्गत :

11. यह अनुमोदन एवम् उसके धारकों को निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 के अधीन अधिसूचित और उसमें विनिर्दिष्ट वस्तुओं का उसके अधीन जारी किए गए नियमों और आवेशों के अनुसार अभिकरण की ओर से परीक्षण तथा जांच करने के लिए समर्थ बनाती है ऐसी जांचों तथा परीक्षणों के लिए फीस अभिकरण द्वारा धारक को संचित की जाएगी। परख सदन/सर्वेक्षक/प्रतिचयक द्वारा ऐसी जांच तथा परीक्षण के लिए कोई भी फीस प्रस्तावित नहीं की जाएगी।

वस्तुएं

- (1) -----
- (2) -----
- (3) -----
- (4) -----

(iii) यह अनुमोदन ----- तक विधिमार्ग होगा और निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 में विहित रूप में स्वीकृत किया जा सकेगा।

निदेशक,

भारत सरकार के लिए और

उसकी ओर से

नई दिल्ली,
तारीख :

(ग) उक्त नियमों में, विद्यमान प्ररूप 4 के पश्चात् निम्नलिखित प्ररूप अन्तःस्थापित किया जाएगा, अर्थात्:—

“प्ररूप सं. 5”

बंधपत्र

[नियम 13 (6) देखिए]

परीक्षण सदन/सर्वेक्षक/प्रतिचयक के भारसाधक अधिकारी द्वारा हस्ताक्षर किए जाने के लिए।

1. मैं/हम घोषणा करता हूँ/करते हैं कि हम निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (2) के अनुसार मान्यताप्राप्त परीक्षण सदन/सर्वेक्षक/प्रतिचयक के रूप में परीक्षण/सर्वेक्षण/नमूना लेने का कार्य करेंगे और उन सभी मार्ग दर्शन विषयक उपबंधों का अनुपालन करेंगे जो मान्यता के लिए परिषद् द्वारा समय-समय पर जारी कए गए हों।

2. मैं/हम बैंक प्रत्याभूति के रूप में 5,000 रु. (पांच हजार केवल) प्रतिभूति निक्षेप देने के लिए सहमत हूँ/हैं।

3. मैं/हम निर्यात निरीक्षण परिषद् द्वारा नियत दरों के अनुसार जांच/सर्वेक्षण/नमूना लेने की फीस लूंगा/लेंगे।

4. मैं/हम निर्यातकर्ताओं से जांच/नमूना लेने/सर्वेक्षण की फीस नहीं लूंगा/लेंगे।

5. मैं/हम निर्यात निरीक्षण परिषद् या निर्यात निरीक्षण अभिकरण के अधिकारी (यों) को निरीक्षण/जांच/सर्वेक्षण/नमूना लेने से संबंधित दस्तावेजों की जांच करने की अनुज्ञा देने तथा इस संबंध में किसी भी दस्तावेजों की मांग होने पर उसे पेश करेंगे।

6. मैं/हम निर्यात निरीक्षण परिषद् या निर्यात निरीक्षण अभिकरण के अधिकारी को प्रयोगशाला की किसी भी जांच परख/परीक्षण, संशोधन और क्षमता के स्थापन के लिए पूरा सहयोग दूँगे।

7. मैं/हम औजारों में और/या प्रयोगशाला में कर्मचारी के किसी भी परिवर्तन के लिए निर्यात निरीक्षण परिषद् को सूचित करेंगे और निर्यात निरीक्षण परिषद् द्वारा नियत ऐसी अंश शोधता में परीक्षण/सर्वेक्षण/नमूना लेने की रिपोर्ट प्रस्तुत करेंगे।

8. मैं/हम सहमत हूँ/हैं कि निरीक्षक (निरीक्षण एवं वज्रसिद्धि नियंत्रण) निर्यात निरीक्षण परिषद् द्वारा पूर्ण विवेकापूर्वक परीक्षा किये गए वस्तु या कारण के आधार पर पूर्णतः को तब समाप्त कर सकना है जब उनके विचार में मुझे/हमें सौंपा गया कार्य निर्यात निरीक्षण परिषद् द्वारा समय-समय पर जारी किए गए नियमों और अनुदेशों के अनुसार नहीं किया जा रहा है।

9. मैं/हम सहमत हूँ/हैं कि निर्यात निरीक्षण परिषद् और केन्द्रीय सरकार किसी समय उत्सवों/औजारों/कर्मचारियों को हुए मुक्यात या दुर्घटना सहित मेरे हमारे द्वारा किए गए परीक्षण/सर्वेक्षण/नमूना लेने हितों एक भी मर या उत्पाद के लिए किसी भी विधिक या वित्तीय दायित्व के विरुद्ध अपने को मुक्त करती है।

(हस्ताक्षर)

नाम-----

पदनाम-----

संस्था का नाम-----

तारीख-----

स्थान-----

[फाइल सं. 3/41/89 ई आई एंड ई पी]

पाद टिप्पण :

मूल नियम का. आ. 3317 तारीख 1-10-1964 के अनुसार प्रकाशित किए गए तथा निम्नानुसार संशोधित किए गए :

का.आ. 3100 तारीख 29-09-1965

का.आ. 3965 तारीख 06-11-1967

का.आ. 277 तारीख 18-01-1969

का.आ. 2718 तारीख 23-07-1968

का.आ. 1855 तारीख 22-07-1972

का.आ. 0103 तारीख 06-01-1973

का.आ. 2603 तारीख 20-08-1977

का.आ. 2745 तारीख 23-09-1978

का.आ. 2496 तारीख 26-09-1981

का.आ. 5227 तारीख 26-01-1985

का.आ. 15551 तारीख 19-03-1983

का.आ. 5395 तारीख 30-11-1985

का.आ. 3030 तारीख 27-09-1986

MINISTRY OF COMMERCE

New Delhi, the 13th September, 1990

S.O. 2537.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export (Quality Control and Inspection) Rules, 1964, namely:—

1. (1) These rules may be called the Export (Quality Control and Inspection) (Amendment) Rules, 1990.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export (Quality Control and Inspection) Rules, 1964, therein after referred to as the said rules (a) for sub-rule (6) of rule 13, the following shall be substituted, namely:—

“(a) After the applicant has executed the required bond in Form V, the Central Government shall issue the certificate of approval in Form II to the applicant which shall be valid for such period not exceeding one year as may be specified therein.”

(b) In the said rules, for existing Form II, the following form shall be substituted, namely :—

"FORM NO. II

[See Rule 13(6)]

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE

Certificate of approval of Testing House/Surveyor/Sampler.

In terms of section 7(2) of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the testing house/surveyors/sample(s) whose particulars are given below having complied with the prescribed procedure is/are approved by the Central Government for testing/surveying/sampling commodities that are intended for export.

Name :

Address :

Location of Laboratory/Testing House :

II. This approval enables its holder to carry out on behalf of the Agency, examination and testing of commodities notified under the Export (Quality Control & Inspection), Act, 1963 and specified herein, in accordance with the rules and orders issued thereunder. (Fee for such examination and testing will be paid to the holder by the Agency. No fee for such examination and testing is to be charged by the testing house/surveyor/sampler).

COMMODITIES

- (1) _____
- (2) _____
- (3) _____
- (4) _____

III. This approval shall be valid from _____ to _____ and may be renewed as prescribed in the Export (Quality Control and Inspection) Rules, 1964.

Director,
For and on behalf of the
Government of India."

New Delhi,

Dated _____

(c) In the said rules, after existing Form IV, the following Form shall be inserted, namely :—

"FORM NO. V

BOND

[See Rule 13(6)]

To be signed by the Officer-in-charge of Testing House/Surveyor(s)/Sampler(s).

1. I/We hereby declare that we shall undertake Testing/Surveying/Sampling work as a recognised Testing House/Surveyor/Sampler in accordance with sub-section (2) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and shall comply with all the provisions of the guidelines issued by the Council from time to time for recognition.

2. I/We agree to give security deposit of Rs. 5,000 (Rupees Five thousand only) in the form of Bank Guarantee.

3. I/We shall charge fees for testing/surveying/sampling as per the rates stipulated by the Export Inspection Council.

4. I/We shall not charge fee for testing/sampling/surveying from the exporter.

5. I/We shall allow the officer(s) of Export Inspection Council or Export Inspection Agency to examine the docu-

ments regarding inspection/testing/surveying/sampling and shall produce any documents to them on demand in this regard.

6. I/We shall offer the officer of Export Inspection Council or Export Inspection Agency full co-operation in undertaking any check-test/verification to the testing, calibration and capability of the laboratory.

7. I/We shall communicate to Export Inspection Council any changes in equipments and/or personnel in the laboratory and shall submit report of testing/surveying/sampling in such periodicity as may be stipulated by the Export inspection Council.

8. I/We agree that the Director (Inspection & Quality Control), Export Inspection Council at his entire discretion may terminate the recognition in part or full without any notice or assigning any reason, if, in his opinion, the work entrusted to me/us is not being done in accordance with the instructions issued by Export Inspection Council from time to time.

9. I/We agree that Export Inspection Council and Central Government absolves itself against any legal or financial liability for any item or product tested/surveyed/sampled by me/us involving accident or damage to personnel/equipment/products at any time.

(Signature)

Name _____

Designation _____

Name of the Organisation _____

Dated : _____

Place: _____

[F. No. 3/41/89-EI&EP]

FOOT NOTE.—The principle rules were published vide S.O. 3317 dated 1st October, 1964 and subsequently amended by :

- S.O. 3100 dated 29-09-1965
- S.O. 3965 dated 06-11-1967
- S.O. 277 dated 18-01-1969
- S.O. 2718 dated 23-07-1968
- S.O. 1855 dated 22-07-1972
- S.O. 0103 dated 06-01-1973
- S.O. 2603 dated 20-08-1977
- S.O. 2745 dated 23-09-1978
- S.O. 2496 dated 26-09-1981
- S.O. 5227 dated 26-01-1985
- S.O. 1551 dated 19-03-1983
- S.O. 5395 dated 30-11-1985
- S.O. 3030 dated 27-09-1986

प्रादेश

नई दिल्ली, 14 सितम्बर, 1990

का. प्रा. 2538.—भारत के निर्यात व्यापार के विकास के लिए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना स. का.प्रा. 1025 तथा 1026 तारीख 19 अप्रैल, 1980 के अधिक्रमण में बासमती चावल को क्वालिटी नियंत्रण और निरीक्षण के अधीन माने के लिए कनिष्ठ प्रस्ताव, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के अधिनियम (2) की अपेक्षाानुसार, भारत सरकार के वाणिज्य मंत्रालय के प्रादेश स. का. प्रा. 408 तारीख 17 फरवरी, 1990 के अधीन भारत के राजपत्र भाग 2, खंड 3 उपखंड (ii) तारीख 17 फरवरी, 1990 में प्रकाशित किए गए थे;

और उक्त प्रादेश के राजपत्र में प्रकाशित होने के पैंचालीस दिनों के भीतर उन सभी व्यक्तियों से घाटोप और गुमाव माने गए थे, जिनके उक्त प्रभावित होने की संभावना थी,

और उक्त राजपत्र की प्रतियाँ जनता को 5-3-90 तारीख को उपलब्ध करा दी गयी थी;

और उक्त प्राप्ति पर जनता से प्राप्त आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा विचार कर लिया गया है;

अतः अब, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की निर्यात निरीक्षण परिपत्र से परामर्श करने के पश्चात् यह राय होने पर कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है,

(1) यह भविष्यवृत्ति करती है कि बासमती चावल निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे;

(2) बासमती चावल निर्यात (निरीक्षण) नियम, 1990 के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को ऐसे क्वालिटी नियंत्रण और निरीक्षण के रूप में विनिर्दिष्ट करती है जो निर्यात से पूर्व ऐसे बासमती चावलों पर लागू होगा;

(3) निम्नलिखित को मान्यता देती है;

(क) आयातकर्ता देशों के राष्ट्रीय मानक और अंतर्राष्ट्रीय मानक;

(ख) निर्यातकर्ता और विदेशी क्रेता के बीच करार किए गए संवि-
वारमक विनिर्देश;

परन्तु यह जब तक कि ऐसे विनिर्देश इस आदेश से सलग अनुसूची 1 से 3 तक विनिर्दिष्ट न्यूनतम विनिर्देशों से निम्न न हों;

(ग) बासमती चावल (निर्यात) श्रेणीकरण और चिह्नीकरण नियम, 1980 के अंतर्गत बनाए गए श्रेणी पदनाम,

परन्तु यह जब तक कि ऐसे विनिर्देश खंड (ख) के अनुरूप हों,

(घ) संविवादात्मक विनिर्देशों के न होने पर, इस आदेश की अनुसूची में दिए गए न्यूनतम विनिर्देश,

परन्तु यह जब तक कि खंड (क), (ख), (ग) और (घ) के अधीन विनिर्देश आयात करने वाले देशों में प्रवृत्त खाद्य विधियों के यदि कोई हों, अनुरूप हों।

(4) बासमती चावल के अंतर्राष्ट्रीय व्यापार के अनुक्रम में, निर्यात को जब तक प्रतिशिद्ध करती है जब तक कि केन्द्रीय सरकार द्वारा मान्यता प्राप्त ऐसा चिह्न या सूत्र जो यह उपस्थित करता हो कि वह इस पर लागू मानक विनिर्देशों के अनुरूप है, बासमती चावल के पैकेजों या भागानों पर लगाया गया या विपकाया न गया हो और इसके साथ भारत सरकार के कृषि विपणन सहायकार या निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 7 के अधीन स्थापित किसी भी अधिकरण द्वारा जारी किया गया इस आणय का श्रेणी/निरीक्षण प्रमाणपत्र न लगा हो कि ऐसा बासमती चावल मानक उपर्युक्त विनिर्देशों के अनुरूप है और निर्यात योग्य है।

2. इस आदेश की कोई भी बात प्रभावी क्रेताओं को समुद्री भूमि और वायु मार्ग द्वारा बासमती चावल के ऐसे नमूनों के निर्यात को लागू नहीं होगी, जिनका मूल्य 50.00 रु. से अधिक नहीं हो।

3. इस आदेश में "बासमती चावल" (ओरिजा स्टोवा) स भारत में उत्पादित बासमती कच्चा दाना हुआ, सेला चावल और भूसा साफ किया और बिना पालिश किया (धूरा) बासमती चावल अभिप्रेत है।

4. ये आदेश सरकारी राजपत्र में प्रकाशित होने का ताराख को प्रवृत्त होगा।

[फाईल सं. 6(13)/87-ई आई एड डी]

ऐ. के. चौधुरी, निवेशक

अनुसूची-1

काच मूल्य के बासमती चावल (निर्यात के लिए) की क्वालिटी का श्रेणी अभिधान और परिभाषा

श्रेणी अभिधान	अनुज्ञेय अधिकतम सीमा (भार के आधार पर प्रतिशत)					सामान्य विशेषताएं
	बाह्य पदार्थ	टूटे और काण	लाल दानों सहित अन्य चावल*	नुकसानग्रस्त धवरंग और खड़िया रंग के दाने	नमी	
1	2	3	4	5	6	7
विशेष	0.5	5.0	10.0	1.0	14.0	(1) दाने सफेद या सलेटो या श्रीमा सफेद रंग के, और पारदर्शी लम्बे पतले दाने होंगे।
	1.0	10.0	15.0	2.0	14.0	(2) चावल--
	2.0	10.0	20.0	3.0	14.0	(क) ओरिजा/स्टोवा के सूखे पुरटे दाने होंगे और इसके समरूप आकार आकृति और रंग होंगे
						(ख) इन चावलों के लक्षण बासमती चावल के सहज ही पहचानी जाने वाली डिग्री तक इन पके और पके दोनों अवस्थाओं में, प्राकृतिक सुगंध जैसे होंगे,
						(ग) इन पर कृत्रिम रंग नहीं किया जाएगा और पालिश करने वाले पदार्थों से मुक्त होंगे।
						(घ) काफी मात्रा में भूसी सहित उनमें 3 प्रतिशत तक दाने होंगे

- (इ) फफूंदी दार धिनोनी गंध से मुक्त होंगे और इन पर कोई फफूंदी या जाले नहीं होंगे, और मृत या जीवित घुन का कोई भी लक्षण नहीं होगा।
- (च) इसकी लंबाई 6.0 मि. मी. और उससे अधिक होगी और लंबाई चौड़ाई का अनुपात तीन और उससे ऊपर का होगा,
- (छ) ये अच्छी व्यापारिक बंधा में होंगे।

*लाल दाने 2 प्रतिशत से अधिक नहीं होंगे।

परिभाषाएं

- (i) "विजातीय पदार्थ" इसके अंतर्गत धूल, पत्थर, मिट्टी के डेले, भूसी, तिलके और अन्य कोई गंदगी आएगी।
- (ii) "दुकड़े और भ्रंश" इसके अंतर्गत चावल के दानों के ऐसे दुकड़े होंगे जो पूरे चावल का 3/4 से धून होंगे। ऐसे दुकड़े जो पूरे चावल का 1/4 से छोटे हैं उन्हें भ्रंश समझा जाएगा।
- (iii) "लाल दानों सहित भ्रंश चावल" इसमें मिले जुले और या चावल की बटिया किसिम होगी। लाल दाने साबुत या टूटे हुए होंगे जिनके 25 प्रतिशत भाग में या अधिक में लाल भूसी से कोटिंग की होगी।
- (iv) "नुकसान ग्रस्त, बदरंग और खडिया जैसे दाने" इसके अंतर्गत चावल के दाने—भग्न दुकड़े, भ्रंश या साबुत होंगे जो भीतर से नुकसान ग्रस्त या बदरंग तात्त्विक रूप से क्वालिटी को प्रभावित करने वाले होंगे। खडिया दाने ऐसे होंगे जिनका कम से कम आधा भाग बूधिया सफेद रंग का और प्रकृति के अनुसार मुरमुप होगा।

अनुसूची 2

सेला

बासमती चावल की क्वालिटी का श्रेणी अभिधान और परिभाषा (बैकल नियति के लिए)

श्रेणी अभिधान	अनुज्ञेय अधिकतम सीमा (भार के आधार पर प्रतिशत में)					सामान्य लक्षण
	विजातीय पदार्थ	टूटे तथा भ्रंश	लाल दानों सहित चावल*	नुकसान ग्रस्त बदरंग और खडिया रंग के दाने	नमी	
1	2	3	4	5	6	7
विशेष	0.5	5.0	10.0	1.0	14.0	(1) दाने लंबे, पतले, भूरे या सलेटी गहरे पारदर्शी होंगे।
क	1.0	10.0	15.0	2.0	14.0	(2) चावल—
ख	2.0	10.0	20.0	3.0	14.0	(क) औरिजा, सर्टीवा के सूखे पुष्ट दाने होंगे और इसके समरूप आकार, आकृति और रंग होंगे। (ख) इन चावलों के लक्षण : बासमती चावल के सहज ही पहचानी जाने वाली डिग्री तक धनपके और पके दोनों अवस्थाओं में प्राकृतिक सुगंध जैसे होंगे। (ग) इन पर कृत्रिम रंग नहीं किया जाएगा और पालिश करने वाले पदार्थों से मुक्त होंगे। (घ) काफी मात्रा में भूसी सहित उनमें 3 प्रतिशत तक दाने होंगे। (इ) फफूंदी दार धिनोनी गंध से मुक्त होंगे और इन पर कोई फफूंदी या जाले नहीं होंगे और मृत या जीवित घुन का कोई लक्षण नहीं होगा। (च) इसकी लंबाई 6.0 मि. मी. और उससे अधिक होगी और लंबाई और चौड़ाई का अनुपात 3 और उससे ऊपर होगा। (छ) ये अच्छी व्यापारिक बंधा में होंगे।

*लाल दाने 2 प्रतिशत से अधिक नहीं होंगे।

परिभाषाएं

- (1) "विजातीय पदार्थ" इसके अंतर्गत धूल, पत्थर, मिट्टी के डेले, भूसी, तिलके और अन्य कोई गंदगी आएगी।

- (2) "टुकड़े और भंश" : इसके अंतर्गत चावल के दानों के ऐसे टुकड़े होंगे जो पूरे चावल का $3/4$ से स्थूल होंगे। ऐसे टुकड़े जो पूरे चावल का $1/4$ से छोटे हैं उन्हें भंश समझा जाएगा।
- (3) "लाल दानों सहित अन्य चावल" इसमें मिले जुले और/या चावल की बटिया किसम होगी। लाल दाने साबुत या दूटे हुए होंगे जिनके 25 प्रतिशत भाग में या अधिक में लाल भूसी से कोटिंग होगी।
- (4) "नुकसान ग्रस्त, बदरंग और खडिया जैसे दाने" : इसके अंतर्गत चावल के दाने-भग्न टुकड़े भंश या साबुत होंगे जो अंतर से नुकसान ग्रस्त या बदरंग तात्त्विक रूप से क्वालिटी को प्रभावित करने वाले होंगे। खडिया दाने ऐसे दाने होंगे जिनका कम से कम आधा भाग दूधिया सफेद रंग का और प्रकृति के अनुसार मुरमुरा होगा।

अनुसूची-3

जिना पालिश किए/भूसी रहित/पूरे बासमती चावल (केवल निर्यात के लिए) की क्वालिटी का श्रेणी अभिधान और परिभाषाएँ

श्रेणी अभिधान	अनुश्रेय अधिकतम सीमा (भार के आधार पर प्रतिशत में)							सामान्य लक्षण
	विजातीय टुकड़े पदार्थ	अन्य तथा भंश	अन्य चावल के दाने	हरे दाने	लाल दाने	नुकसान ग्रस्त, बदरंग तथा खडिया दाने	नमी	
1	2	3	4	5	6	7	8	9
विशेष	0.5	5.0	10.0	2.0	2.0	1.0	14.0	(1) दाने लंबे पतले हल्के भरे रंग के होंगे और कांचसम चमक वाले होंगे, (देखने में चमकदार होंगे)
क	1.0	10.0	20.0	4.0	3.0	3.0	14.0	
ख	1.5	10.0	30.0	6.0	4.0	5.0	14.0	(2) चावल--
(क) आरिजा सटीमा के सूखे दाने होंगे जिन पर से छिलके उतार दिए हों और दोबारा चले नहीं गए हों और वे समरूप एक जैसे आकार और रंग के होंगे।								
(ख) बासमती चावल अनापकी और पकी दोनों अवस्थाओं में किए सीमा तक अपने लक्षण के अनुसार अपनी स्वाभाविक पकेता बनाए रखेंगे।								
(ग) इसे कृत्रिम रूप से रंगा नहीं जाएगा और पालिश किए जाने वाले पदार्थों से मुक्त होंगे।								
(घ) पुरानी या चिनोनी गंध से मुक्त होंगे और फफूँदी या जाले या मूत या जीवित मृग का कोई लक्षण नहीं होगा।								
(ङ) 6.0 मि. मो. की लंबाई और लंबाई बाड़ाई अनुपात 3.0 और ऊपर का होगा।								
(च) अच्छी व्यापारिक दशा में होगा।								

परिभाषाएँ--

- (1) "विजातीय पदार्थ" : इसके अंतर्गत धूल, ईस्टर, मिट्टी के डेले, भूसी, लिनके और अन्य कोई गंधगी आएगी।
- (2) "टुकड़े और भंश" : इसके अंतर्गत चावल के दानों के ऐसे टुकड़े होंगे जो पूरे चावल का $3/4$ से स्थूल होंगे। ऐसे टुकड़े जो पूरे चावल का $1/4$ से छोटे हैं उन्हें भंश समझा जाएगा।
- (3) "अन्य चावल" : में मिले जुले और या चावल की बटिया किसम सम्मिलित होगी।
- (4) "हरे दाने" : साबुत या दूटे हुए दाने होंगे और जो रंग में होंगे।
- (5) "लाल दाने" : साबुत या दूटे हुए दाने होंगे जिन पर लाल भूसी की कोटिंग होगी।
- (6) "नुकसान ग्रस्त, बदरंग खडिया जैसे दाने" : इसके अंतर्गत चावल के दाने, भग्न टुकड़े या साबुत होंगे जो अंतर से नुकसान ग्रस्त या बदरंग तात्त्विक रूप से क्वालिटी को प्रभावित करने वाले होंगे। खडिया दाने ऐसे होंगे जिनका कम से कम आधा भाग दूधिया सफेद रंग का और प्रकृति के अनुसार मुरमुरा होगा।

Grade Designation	Maximum permissible limit (in percent by weight)					General Characteristics
	Foreign matter	Broken & fragments	Other rice, including red grains*	Damaged, discoloured and chalky grains	Moisture	
1	2	3	4	5	6	7
Special	0.5	5.0	10.0	1.0	14.0	(1) The grains shall be long slender of white or greyish or creamy white colour and translucent.
A	1.0	10.0	15.0	2.0	14.0	
B	2.0	10.0	20.0	3.0	14.0	
						(2) The rice,—
						(a) shall be dried matured kernels of <i>Oryza/sativa</i> ; and shall have uniform size, shape and colour;

1	2	3	4	5	6	7
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- (b) shall possess in a marked degree the nature fragrance, characteristic of Basmati Rice both in the raw and cooked state;
- (c) shall not have been artificially coloured and shall be free from polishing agents;
- (d) may contain upto 3 percent of grains with an appreciable amount of bran thereon;
- (e) shall be free from musty obnoxious odour and shall carry no sign of mould or containing webs and dead or live weevils;
- (f) shall have length 6.0 mm and above, and length breadth ratio 3 and above;
- (g) shall be in sound marchantable condition.

Definitions :

- (i) "Foreign matter" includes dust, stones, lumps of earth, chaff, stems or straw and any other impurity.
- (ii) "Broken and fragments" includes pieces of rice kernels which are less than three-fourth of a whole kernel. The pieces of kernels, smaller than one-fourth of the whole kernels shall be treated as fragments.
- (iii) "Other rice including red grains" shall consist of contrasting, and/or inferior varieties of rice. Red grains shall be the kernels, whole or broken, which have 25 per cent. or more of their surface coated with red bran.
- (iv) "Damaged, discoloured and chalky grains" includes rice kernels, broken, fragments of whole that are internally damaged or discoloured materially affecting the quality. Chalky grains shall be the grains atleast half of which are milky white in colour and brittle in nature

-Red grains shall not exceed 2%

SCHEDULE—II

Grade designation and definition of quality of Basmati Parboiled Rice (for Export only)

Grade designation	Maximum permissible limit (in per cent. by weight)					General Characteristics
	Foreign matter	Broken & fragments	Other rice including red grains.*	Damaged discoloured and chalky grains*	Moisture	
1	2	3	4	5	6	7
Special	0.5	5.0	10.0	1.0	14.0	(1) The grains shall be long, slender of creamy white brownish or greyish colour and translucent.
A	1.0	10.0	15.0	2.0	14.0	
B	2.0	10.0	20.0	3.0	14.0	
(2) The rice.—						
(a) shall be the dried matured kernels of <i>Oryza Sativa</i> and shall have uniform size, shape and colour;						
(b) shall possess in a marked degree the natural fragrance characteristics of Basmati rice, both in the raw and cooked state ;						
(c) shall not have been artificially coloured and shall be free from polishing agents;						
(d) may contain upto 3 percent. of grains with appreciable amount of bran thereon;						
(e) shall be free from musty or obnoxious odour and shall carry no sign of mould, or contain webs and deed of live weavils;						
(f) shall have length 6.0 mm and above and length breadth ratio 3 and above;						
(g) shall be in sound merchantable condition.						

Definitions :

- (i) "Foreign matter" includes dust, stones, lumps of earth, chaff, stem or straw and any other impurity;
- (ii) "Broken and fragments" includes pieces, of rice cernels which are less than three-fourth of a whole kernel. The pieces of kernsls' smaller than one-fourth of the whole kernels, shall be treated as fragments;

*Red grains shall not exceed 2 percent.

- (iii) "Other rice including red grains" shall consist of contrasting and/or inferior varieties of rice. Red grains shall be the kernels, whole or broken which have 25 per cent. or more of their surface coated with red bran.
- (iv) "Damaged, discoloured and chalky grains" includes ice kernels, broken, fragments or whole that are internally damaged or discoloured, materially affecting the quality. Chalky grains shall be the grains atleast half of which are milky white in colour and brittle in nature.

SCHEDULE-III

Grade designation and definitions of quality of Basmati Rice unpolished/dehusked/brown basmati rice (for Export only)

Grade designation	Maximum permissible limit (in per cent. by weight)							General characteristics
	foreign matter	brokens & fragments	other rice grains	cream grains	Read grains	Damaged discoloured & chalky grains	Moisture	
1	2	3	4	5	6	7	8	9
Special	0.5	5.0	10.0	2.0	2.0	1.0	14.0	(1) The grains shall be long
A	1.0	10.0	20.0	4.0	2.0	3.0	14.0	slender of light brown colour
B	1.5	10.0	30.0	6.0	4.0	5.0	14.0	and having vitreous lustre (glossy in appearance).
								(2) The rice.
								(a) shall be the dried matured kernels of Oryza Sativa from which the hulls have been removed and have not been subjected to further milling and shall have uniform size shape and colour;
								(b) shall possess marked degree of the natural fragrance characteristics of basmati rice, both in the raw and cooked state;
								(c) shall not have been artificially coloured and shall be free from polishing agents;

- (d) shall be free from musty or obnoxious odour and shall carry no sign of mould or contain of webs and dead of live weavils;
- (e) shall have length 6.0 mm and above and length breadth ratio 3.0 and above;
- (f) shall be in sound merchantable condition.

Definitions :

1. "Foreign matter" includes dust, stones, lumps of earthy chaff, stem or straw and any other impurity.
2. "Broken and fragments" includes pieces of rice kernels, which are less than three fourth of the whole kernels, shall be treated as fragments;
3. "Other rice" shall consist of contrasting and/or inferior varieties of rice;
4. "Green grains" shall be the kernels, whole or broken, which are greenish in colour;
5. "Red grains" shall be the kernels, whole or broken, which have their surface coated with red grain;
6. "Damaged, discoloured and chalky grains" includes rice kernels, broken, fragments or whole, that are internally damaged or discoloured materially affecting the quality. Chalky grains shall be the grains at least half of which are milky white in colour and brittle in nature.

का.आ. 2539.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और बासमती चावल के निर्यात (निरीक्षण) नियम, 1980 में, उन बातों के सिवाय जिन्हें ऐसे अधिनियम से पहले किया गया है या करने का खोप किया गया है, निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ: (1) इन नियमों का संक्षिप्त नाम बासमती चावल का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1990 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं: इन नियमों में, जब तक कि संदर्भ से अन्यथा अभिप्रेत न हो:

(क) 'अधिनियम' से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है;

(ख) 'अधिकरण' से निरीक्षण के लिए अधिनियम की धारा 7 के अधीन मुख्यई, कलकत्ता, कोचीन, दिल्ली और मद्रास स्थित केन्द्रीय सरकार द्वारा स्थापित निर्यात निरीक्षण अधिकरण

से कोई अभिकरण या भारत सरकार के कृषि विपणन सलाहकार या उसकी ओर से निरीक्षण के लिए प्राधिकृत कोई अन्य अधिकारी अभिप्रेत है;

(ग) "परिषद्" से अधिनियम की धारा 3 के अधीन स्थापित नियमित निरीक्षण परिषद् अभिप्रेत है;

(घ) "बासमती चावल" (अरजा सटीवा) से भारत में उत्पादित बासमती कच्चा दाला हुआ चावल, सेला चावल और भूसा हटाया हुआ और बिना पालिश किया (भूरा) चावल अभिप्रेत है।

3. निरीक्षण का आधार: बासमती चावल का निरीक्षण यह देखने की दृष्टि से किया जाएगा कि वह अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मानक विनिर्देशों से अनुरूप है जो या तो—

(क) यह सुनिश्चित करके किया जाएगा कि उत्पाद का प्रसंस्करण परिषद् द्वारा यथा निर्धारित आवश्यक अंतः प्रक्रिया क्वालिटी नियंत्रण का प्रयोग करते हुए किया गया है;

(ख) परिषद् द्वारा विहित रीति से किए गए निरीक्षण तथा परीक्षण के आधार पर किया गया है।

4. निरीक्षण की प्रक्रिया:—(1) ऐसा कोई निर्यातकर्ता जो बासमती चावल के परेषण का निर्यात करता चाहता है, वह निर्यातकर्ता अभिकरण को लिखित सूचना देगा जिसमें निर्यात संबंधी या आयात की प्रति के साथ संबंधात्मक विनिर्देशों के खोले प्रस्तुत किए जाएंगे ताकि अभिकरण नियम 3 के अनुसार निरीक्षण कर सके।

(2) परिषद् द्वारा और ऐसे प्रसंस्करण यूनिट द्वारा जिसे इस प्रयोजन के लिए परिषद् द्वारा गठित विशेषज्ञों के पैनल ने पर्याप्त अंतः प्रक्रिया क्वालिटी नियंत्रण दृष्टियों से सम्पूर्ण अधिनिर्णीत किया है, विहित किए गए पर्याप्त अंतः प्रक्रिया क्वालिटी नियंत्रण का प्रयोग करते हुए प्रसंस्कृत किए गए बासमती चावल के निर्यात के लिए निर्यातकर्ता उपनियम (1) में वर्णित सूचना के साथ साथ यह घोषणा भी प्रस्तुत करेगा कि निर्यात के लिए आशयित बासमती चावल का परेषण परिषद् द्वारा यथा विहित रूप से पर्याप्त क्वालिटी का प्रयोग करते हुए प्रसंस्कृत किया गया है और यह (परेषण) इस प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है।

(3) उपनियम (1) के अधीन प्रत्येक सूचना जहां अभिकरण का कार्यालय स्थित है उसी स्थान पर स्थित परिसर में किए जाने वाले निरीक्षण से दो दिन से अन्यून पहले की जाएगी और ऐसे परिसरों पर जो अभिकरण के कार्यालय के स्थान पर स्थित नहीं हैं, जहां निरीक्षण किए जाने के 10 दिन से अन्यून पहले दी जाएगी।

(4) उपनियम (1) के अधीन सूचना और उपनियम (2) के अधीन घोषणा, यदि कोई हो, प्राप्त होने पर अभिकरण,—

(क) अपना यह समाधान कर लेने पर कि प्रसंस्करणकर्ता ने, यह सुनिश्चित करने के लिए उत्पाद इस प्रयोजन के लिए मान्यता-प्राप्त मानक विनिर्देशों के अनुरूप है, इस संबंध में परिषद् द्वारा विहित पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया है, बासमती चावल के परेषण को निर्यात योग्य घोषित करते हुए 2 दिन के भीतर प्रमाण पत्र जारी करेगा।

(ख) ऐसी दशा में, जहां प्रसंस्करणकर्ता निर्यातकर्ता नहीं है परेषण का भौतिक रूप से सत्यापन किया जाएगा और ऐसा सत्यापन और/या निरीक्षण, यदि आवश्यक हो, अभिकरण द्वारा यह सुनिश्चित करने के लिए किया जाएगा कि उपरोक्त शर्तों का अनुपालन किया गया है।

(5) (क) अभिकरण, फिर भी, निर्यात के लिए आशयित किसी परेषणों की स्थल पर जांच करेगा और यूनिट द्वारा प्रेषण किए गए प्रसंस्करण अंतः प्रक्रिया क्वालिटी नियंत्रण दृष्टियों की पर्याप्तता की जांच करने के लिए नियमित अंतरालों पर प्रसंस्करण यूनिट में जाएगा। यदि यह पाया जाता है कि प्रसंस्करण यूनिट ने, प्रसंस्करण के किसी भी स्तर पर अपेक्षित क्वालिटी नियंत्रण उपायों को नहीं अपनाया है या परिषद् अभिकरण की सफाईशर्तों का अनुपालन नहीं किया है तो यह घोषित किया जाएगा कि यूनिट के पास पर्याप्त अंतः प्रक्रिया क्वालिटी नियंत्रण दृष्टि नहीं है। ऐसे मामलों में यदि यूनिट ऐसा चाहता है तो वह अंतः प्रक्रिया क्वालिटी नियंत्रण दृष्टियों की पर्याप्त व्यवस्था को बनाए रखने के लिए नए सिरे से आवेदन करेगा।

(ख) ऐसे मामलों में, जहां निर्यातकर्ता ने उपनियम (2) के अधीन यह घोषित नहीं किया है कि परिषद् द्वारा अधिकृत पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया गया है, अभिकरण अपना यह समाधान कर लेने पर कि बासमती चावल का परेषण परिषद् द्वारा अधिकृत पर्याप्त क्वालिटी नियंत्रण के अनुसार किए गए निरीक्षण तथा परीक्षणों के आधार पर इस प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है, तो वह, यथास्थिति 2 या 10 दिनों के भीतर, बासमती चावल के परेषण को निर्यात योग्य घोषित करते हुए प्रमाण पत्र जारी कर देगा।

परन्तु जहां अभिकरण का ऐसा समाधान नहीं होता है वहां वह, निर्यातकर्ता को प्रमाणपत्र देने से इंकार कर देता और, यथास्थिति : 2 या 10 दिन के भीतर इंकार किए जाने के कारणों सहित निर्यातकर्ता को इंकार की सूचना देगा।

(6) प्रमाणीकरण के पश्चात अभिकरण को भण्डारण के किसी भी स्थान पर वास्तविक लदान से पहले परेषण की क्वालिटी का पुनः मूल्यांकन अभिशुद्ध के दौरान या पतन पर करने का भी अधिकार होगा।

(7) यदि, परेषण को इनमें से किसी भी स्तर पर मानक विनिर्देशों के अनुरूप नहीं पाया जाता है तो मूल रूप से दिया गया निरीक्षण प्रमाणपत्र वापिस ले लिया जाएगा।

8. पैकिंग करना और विन्हाकन: परेषण को नियमानुसार तैयार करने के पश्चात निर्यातकर्ता निर्यात के लिए बासमती चावल को पैक करना चाहता है तो स्टैंडर्ड नए गनी थैलों/अवर की ओर पोलिथीन सहित केक्स थैलों/अधिक सतह वाले पोलिथीन/पेटिड कांठबोर्ड के डिब्बों में या श्रेता की विशिष्ट अघेआओं के अनुरूप पैक करेगा।

थैलों/पैकेजों पर निम्नलिखित सूचना स्टेंडर्ड/प्रिन्ट/मुद्रित रहेगी :

1. निर्यातकर्ता का नाम और पता :
2. किस्म :
3. श्रेणी :
4. लाट संख्या :
5. कुल भार तथा शुद्ध भार :
6. भारत का उत्पादन :
7. शिपिंग चिन्ह :

6. निरीक्षण का स्थान: इन नियमों के प्रयोजन के लिए निरीक्षण निर्यातकर्ता के उस परिसर पर किया जाएगा जहां माल निरीक्षण के लिए प्रस्तुत किया जाता है परन्तु यह तब जब कि वहां निरीक्षण के लिए पर्याप्त सुविधाएं विद्यमान हों।

7. निरीक्षण फीस: निरीक्षण के प्रयोजन के लिए निर्धारित दरों पर फीस अभिकरण को क्रमशः परेषणानुसार निरीक्षण और अंतः प्रक्रिया क्वालिटी नियंत्रण के लिए निरीक्षण फीस के रूप में दी जाएगी।

8. अपील :

- (क) ऐन निर्वाचक जो अभिचरण द्वारा निरीक्षण प्रमाणित करने के इका से व्यभिच है, ऐसे इका सूचना प्राप्त होने के 10 दिनों के भीतर इस प्रयोजन के लिए केन्द्रीय सरकार द्वारा गठित न्यूनतम तीन और रात से अधिक व्यक्तियों से मिलकर बने विशेषज्ञों के पैन को अपील कर सकेगा।
- (ख) पैन की कुल व्ययस्था के दो तिहाई सदस्य गैर सरकारी होंगे,
- (ग) पैन की गणपूर्ति इन प्रकार होगी,
- (1) 3 या 4 सदस्यों से मिलकर बने पैन के मामले में, दो तथा
- (2) किसी अन्य मामले में, तीन।
- (घ) अपील प्राप्त होने के पन्द्रह दिनों के भीतर निष्पत्ती दी जाएगी।
- (ङ) ऐसी अपीलों में पैन का विनिश्चय अंतिम होगा।

[फ.सं. 6 (13)/87-ई आई एन्ड ई एफ]

S.O. 2539.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and in supersession of the Export of Basmati Rice (Inspection) Rules, 1986 except as respects things done or omitted to be done, the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Export of Basmati Rice (Quality Control and Inspection) Rules, 1990.

2. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,

- (a) 'Act' means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) ;
- (b) 'Agency' means any of the Export Inspection Agencies established by the Central Government at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Act for inspection or the Agricultural Marketing Adviser to the Government of India or any other officer authorised on his behalf for inspection ;
- (c) 'Council' means the Export Inspection Council established under section 3 of the Act ;
- (d) "Basmati Rice (Oryza Sativa)" shall mean Basmati Raw Milled Rice, Parboiled Rice and Dehusked and Unpolished (Brown) Basmati Rice produced in India.

3. Basis of Inspection.—The inspection of Basmati Rice shall be carried out with a view to seeing that the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act either—

- (a) by ensuring that the product has been processed by exercising necessary in-process quality controls as prescribed by the Council ; or
- (b) on the basis of inspection and testing carried out in the manner prescribed by the Council.

4. Procedure of Inspection.—(1) An exporter intending to export a consignment of Basmati Rice shall give an intimation in writing to the Agency furnishing therein details of the contractual specifications alongwith a copy of the export contract or order to enable the Agency to carry out inspection in accordance with rule 3,

(2) For export of Basmati Rice processed by exercising adequate inprocess quality control as prescribed by the Council and the processing unit adjudged as having adequate

inprocess quality control drills by a panel of experts constituted by the Council for this purpose, the exporter shall also furnish alongwith the intimation mentioned in sub-rule (1) a declaration that a consignment of Basmati Rice intended for export has been processed by exercising adequate quality control as prescribed by the Council and the consignment conforms to the standard specification recognised for the purpose.

(3) Every intimation under sub-rule (1) shall be given not less than 2 days before the inspection to be carried out at the premises situated at the same station where the office of the Agency is located and not less than 10 days before the inspection to be carried out at the premises which are not situated at the same station where the office of the Agency is located.

(4) On receipt of the intimation under sub-rule (1) and the declaration if any, under sub-rule (2), the Agency—

(a) on satisfying itself that the processor has exercised adequate quality control as prescribed by the Council in this regard to ensure that the product conforms to the standard specification recognised for the purpose, shall, within 2 days issue a certificate declaring the consignment of Basmati Rice as export-worthy.

(b) in a case where the processor is not the exporter, shall physically verifying and inspect the consignment and such verification and/or inspection, if necessary shall be carried out to ensure that the above conditions are complied with.

(5) (a) The Agency shall, however, carry out the spot check of some of the consignment for export and also visit the processing units at regular intervals to verify the adequacy of inprocess quality control drill adopted by the unit. If the processing unit is found not maintaining the required quality control measure at any stage of the process or does not comply with the recommendations of the Council/Agency, the unit shall be declared as not having adequate in process quality control drills. In such cases, the unit, if so desired, shall apply afresh for adjudgement of the maintenance of adequate of inprocess quality control drills

(b) In case where the exporter has not declared under sub-rule (2) that adequate quality control as laid down by the Council had been exercised, the Agency, on satisfying itself that the consignment of Basmati Rice conforms to the standard specifications recognised for the purpose on the basis of inspection and testing carried out as laid down by the Council, shall within 2 days or 10 days, as the case may be, issue a certificate declaring the consignment of Basmati Rice as export-worthy :

Provided that where the Agency is not satisfied, it shall refuse to issue a certificate to the exporter and shall communicate such refusal within 2 days or 10 days, as the case may be to the exporter alongwith the reasons therefor.

(6) Subsequent to certification, the Agency shall have the right to reassess the quality of the consignment at any place or storage, in transit or at the posts before its actual shipment.

(7) In the even of the consignment being found not conforming to the standard specifications at any of these stages, the certificate of inspection originally issued shall be withdrawn.

(8) Packing and Marking—An exporter intending to pack Basmati Rice for export after preparing the consignment as per the rules shall pack in standard new gunny bags/canvas bags with inner polythene/carboard cartons multi-layer poly laminates or as per specific requirements of the buyer.

The following information shall be stencilled/printed on bags/packages :

1. Name and address of the exporter ;
2. Variety ;
3. Grade ;
4. Lot Number ;
5. Gross weight and net weight ;
6. Product of India ;
7. Shipping Mark.

(6) Place of Inspection—Inspection for the purpose of these rules shall be carried out at the premises of the exporter where the goods are offered for inspection, provided that adequate facilities exist therein for inspection.

(7) Inspection Fee—A fee at the rates prescribed for the purpose of inspection shall be paid to the Agency as inspection fee for consignmentwise inspection and inprocess quality control respectively.

8. Appeal :

- (a) Any exports aggrieved by the refusal of the Agency to issue the certificate of inspection may within 10 days of the receipt of the communication such refusal prefer an appeal which shall be referred by the Agency to a panel of Experts consisting of not less than three, but not more than seven persons appointed for the purposes by the Central Government.
- (b) at least two-thirds of the total membership of the Panel shall consist of non-officials.
- (c) the quorum of the Panel shall be :—
 - (i) in case the panel consists of 3 or 4 member, two and
 - (ii) in any other case, three,
- (d) the appeal shall be disposed of within fifteen days from its receipt ;
- (e) the decision of the Panel on such appeal shall be final.

[File No. 6(13)/87-EI&EP]

नई दिल्ली, 29 सितम्बर, 1990

का.घा. 2540:- केन्द्रीय सरकार, निर्यात (व्यापिनी नियंत्रण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैंसे दिल्ली टेस्ट हाउस, सोहना इंडस्ट्रियल एस्टेट जी.टी. करनाल रोड, दिल्ली-110033 को उससे उपाख्य अनुसूची में विनिर्दिष्ट खनिज तथा अमस्क का निर्यात से पूर्व निरीक्षण के लिए इस अधिसूचना के प्रकाशन की तारीख से तीन वर्षों की अवधि के लिए इन शर्तों के अधीन अधिकरण के रूप में मान्यता देती है कि उक्त अधिकरण खनिज तथा अमस्क के निर्यात (निरिक्षण) नियम, 1965 के नियम 4 के उपनियम (4) के अन्तर्गत उक्त निरीक्षण प्रमाण-पत्र देने के लिए अधिकरण द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के संबंध में निर्यात निरीक्षण परिपद्ध द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

अनुसूची

1. फ़ैरोमैंगनीज के धातु मल सहित फ़ैरोमैंगनीज
2. निस्तप्त बोक्साइट सहित बोक्साइट
3. मैंगनीज डाक्साइट
4. क्रायमाइट
5. सिलिमेनाइट
6. संकेन्द्रित जिंक सहित कच्चा जिंक

7. परिकथ भीर निस्तप्त मैंगनेसाइट सहित मैंगनेसाइट
8. ब्रैडिट्स
9. लाल आक्साइट
10. पीला गैरिक
11. सेल्वेडी
12. स्पीटीय (फ़ैल्डस्परा)

[फाइल सं. 5(15)/88-ई आई एण्ड ई पी]
ए.के. चौधुरी, निदेशक

New Delhi, the 29th September, 1990

S.O. 2540.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of three years from the date of publication of this notification M/s. Delhi Test House, Sohna Industrial Estate, G. T. Karnal Road, Delhi 110033 as an agency for the inspection of Minerals & Ores specified in the schedule annexed hereto prior to export subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by the said agency in granting the certificate of inspection under sub-rule (4) of rule 4 of the Export of Minerals and Ores (Inspection) Rules, 1965.

SCHEDULE

1. Ferromanganese including ferromanganese slag.
2. Bauxite including calcined bauxite
3. Manganese dioxide.
4. Kyanite.
5. Sillimanite.
6. Zinc ores including zinc concentrates.
7. Magnesite including dead burnt and calcined magnesite.
8. Barytes.
9. Red Oxide.
10. Yellow ochre.
11. Steatite.
12. Feldspar.

[File No. 5(15)/88-EI&EP]

A. K. CHAUDHURI, Director

(मुख्य निबंधक आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 10 सितम्बर, 1990

का.घा. 2541:- मै. जे.सी.टी. इन्स्ट्रुमन्ट्स लिमिटेड, ए-3 इन्स्ट्रुमन्ट्स फेस-8, एस ए एस नगर, मोहानी, जिला रोहट (पंजाब) -160051 को सामान्य मुद्रा क्षेत्र के अंतर्गत मैंगनेट एपेम्बरी के आयात के लिए 18,10,000 रुपये (अठारह लाख और दस हजार रुपये मात्र) का एक आयात लाइसेंस सं. पी डी 2279460 दिनांक 23-3-90 प्रदान किया गया था।

2. फर्म ने उपर्युक्त लाइसेंस की अनुलिपि प्रति (सीमा शुल्क प्रयोजन प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमा-शुल्क प्रयोजन प्रति खो गयी है या नुस हो गई है। आग यह भी बताया गया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति सीमा शुल्क प्राधिकारी, बम्बई, के पास पंजीकृत थी और सीमाशुल्क प्रयोजन प्रति के मूल्य का आंशिक रूप में उपयोग किया गया था।

3. अपने तर्कों के समर्थन में लाइसेंस धारक, ने नोटरी पब्लिक, पंजाब राज्य के समक्ष विधिवत् शपथ लेकर स्टोम्प पेपर पर एक हलफ-

नामा पेश किया है। तबनुसार मैं संतुष्ट हूँ कि आयात लाइसेंस सं. पी/डी. 2279460 दिनांक 23-3-90 को मूल सीमा शुल्क प्रति फर्म से खो गई है या गुम हो गई है। यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9 (गंग) के अंतर्गत प्रवृत्त शक्तियों का प्रयोग करते हुए मैं, जे. सी. टी. इलेक्ट्रॉनिक्स लिमिटेड, पंजाब को जारी उक्त मूल आयात लाइसेंस सं. पी/डी 2279460 दिनांक 23-3-90 को एतद्वारा रद्द किया जाता है।

4. उक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की एक अनुलिपि पार्टी को भ्रम से जारी की जा रही है।

[स. सप्ली/एन एस-17/2254/डी जी टी सी/ए एम-90/एस एल एस]
से. कुजुर, उप-मुख्य नियंत्रक आयात-निर्यात

(OFFICE OF THE CHIEF CONTROLLER OF
IMPORTS AND EXPORTS)

ORDER

New Delhi, the 10th September, 1990.

S.O. 2541.—M/s. JCT Electronics Ltd., A-32, Industrial Phase-VIII, SAS Nagar, Mohali, Distt. Ropar (Punjab)-160051 were granted an import licence No. P/D/2279460 dated 23-3-1990 for Rs. 18,10,000/- (Rupees Eighteen lakhs and ten thousand only) for import of Magnet Assembly under GCA.

2. The firm has applied for issue of Duplicate copy of Custom Purpose Copy of the above mentioned licence on the ground that the original Customs Purpose copy of the licence has been lost or misplaced. It has further been stated that the Custom Purpose copy of the licence was registered with Customs Authority, Bombay and as such the value of Customs Purposes Copy has been utilised partly.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Punjab State. I am accordingly satisfied that the original Customs Purpose Copy of import licence No. P/D/2279460, dated 23-3-1990 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9 (cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original import licence No. P/D/2279460, dated 23-3-1990 issued to M/s. JCT Electronics Ltd., Punjab is hereby cancelled.

4. A duplicate Custom Purpose Copy of the said licence is being issued to the party separately.

[No. Suppl/NS-17/2254/DGTD/AM-90/SLS]

S. KUJUR, Dy. Chief Controller of Imports & Exports.

संयुक्त मुख्य नियंत्रक आयात-निर्यात का कार्यालय

(कम्ब्रय लाइसेंस क्षेत्र)

"निरसन आदेश"

नई दिल्ली, 26 जुलाई, 1990

का.आ. 2541.—मै. रतन एक्सपोर्ट, 346, चावड़ी बाजार दिल्ली-6 "32.52 मी. टन ऑफ ब्रास फ्राइडेयर" के निर्यात के लिए 16,76,290 रुपये के एक. डी. सी. मूल्य के आधार के साथ "33.5 मीटर टन ग्राफ ब्रास स्क्रैप" के आयात के लिए 6,70,500 रु. का एक अग्रिम लाइसेंस सं. पी/के/3162791 दिनांक 18-1-88 तथा डी ई ई सी बुक संख्या 002587 दिनांक 18-1-88 प्रदान किया गया था।

फर्म ने बिना उपयोग किये अग्रिम लाइसेंस संख्या पी के 3162791 दिनांक 18-1-88 (दोनों प्रतियां) तथा डी ई ई सी बुक संख्या 002587 दिनांक 18-1-88 अभ्यर्पित कर दिए हैं।

आज तक यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-55 की धारा 9 डी के अंतर्गत प्रदत्त अधिकारों का प्रयोग करते हुए मैं एतद्वारा उक्त अग्रिम लाइसेंस की दोनों प्रतियों तथा डी ई ई सी बुक के निरसन का आदेश देता हूँ।

[का. सं. एड्वांस/लाई./यूडीईएस/119/एम-87/ए एल एस-2 सीएसए]

OFFICE OF THE JOINT CHIEF CONTROLLER
OF IMPORTS AND EXPORTS

(CENTRAL LICENSING AREA)

"CANCELLATION ORDER"

New Delhi, the 26th July, 1990

S.O. 2542.—M/s. RATAN EXPORTS, 346, CHAWRI BAZAR, DELHI-6, was granted an Advance Licence No. P/K/3162791, dated 18-1-1988 and DEEC Book No. 002587 dated 18-1-1988 for Rs. 6,70,500/- for import of "33.5MT OF BRASS SCRAP" with an obligation for FOB value of Rs. 16,76,290/- to export "32.52MT OF BRASS ART-WARES".

The firm has surrendered both copies of Advance Licence No. P/K/3162791, dated 18-1-1988 and DEEC BOOK No. 002587 dated 18-1-1988 unutilised.

In exercise of the powers conferred on me under clause 9 of the Import (Control) Order, 1955, dated 7-12-1955 amended upto date. I, hereby, order cancellation of the said both copies of Advance Licence and both DEEC Book.

[F. No. ADV/LIC/UCES/119/AM-87/ALS.II/CLAI]

निरसन आदेश

नई दिल्ली, 6 सितम्बर, 1990

का.आ. 2543.—मैसर्स रिकलेक्स इन्टरनेशनल प्रा. लि., सी-105/5 नारायणा इन्डस्ट्रीज एरिया, फेज-1 नई दिल्ली को 8,31,090 रुपये के एक. डी. सी. मूल्य के निर्यात आधार के साथ 110 सें.मी. चौड़ाई के 1440 मीटर, 90 सें.मी. चौड़ाई के 8353 मीटर तथा 135 सें.मी. चौड़ाई के 220 सें.मी. चौड़ाई के 8353 मीटर का आयात के लिए 2,37,412 रुपये के सी आई एफ मूल्य का एक अग्रिम लाइसेंस संख्या पी/डब्ल्यू 3297461 दिनांक 16-1-90 तथा डी ई ई सी बुक सं. 008027 दिनांक 16-1-90 प्रदान किया गया था।

फर्म ने अग्रिम लाइसेंस सं. पी/डब्ल्यू 3297461 दिनांक 16-1-90 (दोनों प्रतियां) तथा डी ई ई सी बुक संख्या 008027 दिनांक 16-1-90 बिना उपयोग किए अभ्यर्पित कर दिए हैं।

आज तक यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-55 के भाग 9 (डी) के अंतर्गत प्रदत्त अधिकारों का प्रयोग करते हुए मैं एतद्वारा उक्त अग्रिम लाइसेंस की दोनों प्रतियों तथा डी ई ई सी बुक के निरसन का आदेश देता हूँ।

[का. सं. : स्टार एड/लाई./यूडीईएस/35/एम-90/एलएस-2 सीएसए]

एम. एम. डे., उप मुख्य नियंत्रक आयात व निर्यात
इले संयुक्त मुख्य नियंत्रक, आयात-निर्यात

CONCELLATION ORDER

New Delhi, the 6th September, 1990.

S. O. 2543.—M/s. REFLEX INTERNATIONAL PVT. LTD., C-105/5, NARAINA INDL. AREA, PHASE I, NEW DELHI was granted an Advance Licence No. P/N/3297461, dated 16-1-1990 and DEEC Book No. 008027, dated 16-1-90 for CIF value of Rs. 2,137,412/- for import of Cotton Denim Fabrics-1440 Mtrs. of 110 cms width, 8535 Mtrs. of 90 cms width 2200 mts. of 135 cms width with an export obligation for FOB value of Rs. 8,31,096/-.

The firm has surrendered Advance Licence No. P/W/3297461, dated 16-1-1990 (Both copies) and DEEC BOOK No. 008027, dated 16-1-1990 unutilised.

In exercise of powers conferred on me under section 9(d) of Import (Control) Order, 1955 dated 7-12-1955 as amended upto date 1, hereby, order cancellation of the said both copies of Advance Licence and DEEC BOOKS.

[F. No. STAR/ADV/LIC/UDS/35/AM. 90/ALS. II(CLA)]
M. M. DE, Dy. Chief Controller of Imports & Exports.
For Jt. Chief Controller of Imports & Exports.

उद्योग मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 3 सितम्बर, 1990

(लागत और संकर्म लेखाकार)

का.प्रा. 2544:- लागत और संकर्म लेखा अधिनियम, 195 (1953 का 23) की धारा 9 की उपधारा 2 के खण्ड (क) के अनुसरण में और भारत सरकार के भूतपूर्व विधि मंत्रालय, न्याय और कम्पनी कार्य (कम्पनी कार्य विभाग) की अधिसूचना संख्या 3084, दिनांक 4 अक्टूबर, 1973 के अतिरिक्त में केन्द्रीय सरकार उक्त खण्ड के अधीन भारतीय लागत और संकर्म लेखा संस्थान की परिषद के निर्वाचन के प्रयोजनों के लिए निम्न चार प्रादेशिक निर्वाचन क्षेत्र विनिर्दिष्ट करती है, जिनमें नाम हैं :-

1. पश्चिमी भारत प्रादेशिक निर्वाचन क्षेत्र :- जिसमें गोवा, गुजरात, मध्य प्रदेश, महाराष्ट्र और केन्द्र शासित प्रदेश दादरा व नगर हवेली और दमन व दीव राज्य शामिल हैं ।

2. दक्षिण भारत प्रादेशिक निर्वाचन क्षेत्र :- आंध्र प्रदेश, कर्नाटक, केरल, तमिलनाडु और केन्द्र शासित प्रदेश पाण्डिचेरी और लक्षद्वीप शामिल हैं ।

3. पूर्वी भारत प्रादेशिक निर्वाचन क्षेत्र :- जिसमें अरुणाचल प्रदेश, बिहार, मणिपुर, मेघालय, मिजोरम, नागालैंड, उड़ीसा, सिक्किम, त्रिपुरा, पश्चिमी बंगाल और केन्द्र शासित प्रदेश अंडमान और निकोबार, दीप शामिल हैं ।

4. उत्तरी भारत प्रादेशिक निर्वाचन क्षेत्र :- हरियाणा, हिमाचल प्रदेश, जम्मू व काश्मीर, पंजाब, राजस्थान, उत्तर प्रदेश, और केन्द्र शासित प्रदेश चंडीगढ़ और दिल्ली शामिल हैं ।

[फा. सं 2/6/90-आई जो सी.]

डा. गुलाब सिंह, अधीक्षक सचिव

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 3th September, 1990.

COST AND WORKS ACCOUNTANTS

S.O. 2544.—In pursuance of clause (a) of sub-section (2) of Section 9 of the Cost and Works Accountants Act, 1959

(23 of 1959), and in supersession of the notification of the Government of India in the late Ministry of Law, Justice and Company Affairs (Department of Company Affairs) No. S. O. 3084, dated 4th October, 1973, the Central Government hereby specifies the following four regional constituencies for the purposes of elections to the Council of the Institute of Cost and Works Accountants of India under the said clause, namely :-

1. Western India Regional Constituency :- comprising the states of Goa, Gujarat, Madhya Pradesh, Maharashtra and Union Territories of Dadra & Nagar Haveli and Daman & Diu.

2. Southern India Regional Constituency :- comprising the states of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Union Territories of Pondicherry and Lakshadweep.

3. Eastern India Regional Constituency :- comprising the states of Assam, Arunachal Pradesh, Bihar, Manipur, Meghalaya, Mizoram, Nagaland, Orissa, Sikkim, Tripura, West Bengal and Union Territories of Andaman and Nicobar Islands.

4. Northern India Regional Constituency :- comprising the state of Harayana, Himachal Pradesh, Jammu & Kash-mir, Punjab, Rajasthan, Uttar Pradesh and Union Territories of Chandigarh and Delhi.

[File No. 2/6/90-IGC]

DR. GULAB SINGH, Under Secy.

कृषि मंत्रालय

(ग्रामीण विकास विभाग)

प्रादेश

नई दिल्ली, 7 सितम्बर, 1990

का.प्रा. 2445:- मांस खाद्य उत्पाद आदेश, 1973 की धारा 3 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार इस आदेश के सरकारी गजट में प्रकाशित होने की तिथि से लेकर 2 वर्ष की अवधि के लिए मांस खाद्य उत्पाद सलाहकार समिति का पुनर्गठन करती है जिसमें निम्नलिखित शामिल होंगे :-

अध्यक्ष

भारत सरकार के कृषि विपणन सलाहकार

सदस्य

1. भारत सरकार के पशुपालन आयुक्त अथवा उनके द्वारा नामांकित व्यक्ति,

2. भारत सरकार की स्वास्थ्य सेवा के महानिदेशक अथवा उनके द्वारा नामांकित व्यक्ति ।

3. भारत सरकार के तकनीकी विकास महानिदेशक, अथवा उनके द्वारा नामांकित व्यक्ति ।

4. भारत सरकार के कार्यकारी निदेशक, खाद्य तथा पोषाहार बोर्ड, खाद्य विभाग भारत सरकार अथवा उनके द्वारा नामांकित व्यक्ति ।

5. निदेशक, केन्द्रीय खाद्य प्रौद्योगिकीय अनुसंधान संस्थान, मैसूर अथवा उनके द्वारा नामांकित व्यक्ति ।

केंद्र सरकार द्वारा मध (एफ) के अन्तर्गत नामांकित राज्य सरकार के पशुपालन विभाग अथवा पशु चिकित्सा सेवाओं के दो अधिकारी

6. निदेशक, पशुपालन, गोवा ।

7. निदेशक, पशु चिकित्सा सेवा, पश्चिम बंगाल ।

केंद्र सरकार द्वारा मध (बी) के अन्तर्गत नामांकित विनिर्माताओं में से नामांकित दो व्यक्ति

8. मैसर्स सीट फूड प्रोडक्ट्स आफ इंडिया इरनाकुलम, केरल

9. मैसर्स, सन्दूल डेयरी फार्म, अलीगढ़, उत्तर प्रदेश ।
लाइसेंस ट्राविकारों द्वारा मद(एच) के अन्तर्गत नामांकित विपणन तथा निरीक्षण निदेशालय के एक अधिकारी

10. उप-कृषि विपणन सलाहकार (मांस खाद्य उत्पाद आदेश), विपणन तथा निरीक्षण निदेशालय, फरीदाबाद ।

2. उप-कृषि विपणन सलाहकार (मांस खाद्य उत्पाद आदेश) विपणन तथा निरीक्षण निदेशालय, फरीदाबाद समिति के सचिव के रूप में कार्य करेंगे ।

[सं. 8-2-87-एम-1]

मुनीश गोयल, निदेशक (विपणन)

MINISTRY OF AGRICULTURE

(Department of Rural Development)

ORDER

New Delhi, the 7th September, 1990

S.O. 2545.—In pursuance of sub-clause (1) of clause 3 of the Meat Food Products Order, 1973, the Central Government hereby reconstitute the Meat Food Products Advisory Committee consisting of the following persons, for a period of 2 years with effect from the date of publication of this Order in the Official Gazette, namely :—

CHAIRMAN

Agricultural Marketing Adviser to the Government of India

MEMBERS

1. Animal Husbandry Commissioner, Government of India or his nominee.
2. Director General of Health Services, Government of India or his nominee.
3. Director General of Technical Development, Government of India or his nominee.
4. Executive Director, Food and Nutrition Board, Department of Food, Government of India or his nominee.
5. Director, Central Food Technological Research Institute, Mysore, or his nominee.

Two Officers of the Department of Animal Husbandry or Veterinary Services of State Governments nominated by the Central Government under item (f).

6. The Director of Animal Husbandry, Goa.
7. Director of Veterinary Services, West Bengal

Two persons from among the manufacturers nominated by the Central Government under item (g).

8. M/s. Meat Food Products of India Ltd., Ernakulam, Kerala.

9. M/s. Cental Dairy Farm, Aligarh, U.P.

An Officer of the Directorate of Marketing and Inspection nominated by the licensing authority under item (h).

10. Deputy Agricultural Marketing Advisor (Meat Food Products Order), Directorate of Marketing and Inspection, Faridabad.

2. The Deputy Agricultural Marketing Advisor, (Meat Food Products Order), Directorate of Marketing and Inspection, Faridabad shall act as the Secretary of the Committee.

[No. 8-2/87-M, 1]

MUNISH GOYAL, Director (Marketing)

कृषि मंत्रालय

(कृषि और सहकारिता विभाग)

नई दिल्ली, 14 सितम्बर, 1990

का.आ. 2646— केन्द्रीय सरकार, उर्वरक (नियंत्रण) आदेश 1985 की धारा 2 की उप-धारा (क) के अनुसरण में एतद्वारा कथित आदेश की धारा 5 और 35 के अन्तर्गत, निम्नलिखित अधिकारियों को, प्रत्येक के सामने वर्णित राज्यों तथा संघ शासित प्रदेशों, में नियंत्रक के कार्यों का प्रयोग करने के लिए नियुक्त करती है :—

क्रम संख्या	पदनाम	राज्य
1.	कृषि निदेशक, लक्षद्वीप संघ शासित प्रदेश	लक्षद्वीप
2.	कलक्टर वमन, वमन और वीव तथा दादरा और दमन और दीव मांगर हवेली प्रशासन	दमन और दीव
3.	आयुक्त तथा निदेशक, कृषि, आन्ध्र प्रदेश सरकार	आन्ध्र प्रदेश
4.	कृषि निदेशक, हिमाचल प्रदेश सरकार	हिमाचल प्रदेश

[संख्या 1-11/89-उर्वरक विधि]
रवि मोहन सेठी, संयुक्त सचिव

(Department of Agriculture and Cooperation)

New Delhi, the 14th September, 1990

S.O. 2546.—In pursuance of sub-clause (e) of clause 2 of the Fertiliser (Control) Order, 1985 the Central Government hereby appoints the following officers to exercise the functions of the Controller under clauses 5 and 35 of the said order, in the State and Union Territories shown against each.

Sl. No.	Designation	State
1	2	3
1.	Director Agriculture Union Territory of Lakshadweep.	Lakshadweep

1	2	3
2. Collector		Daman and Diu
Daman, Administration of		
Daman and Diu and		
Dadra and Nagar Haveli.		
3. Commissioner and		Andhra Pradesh
Director Agriculture		
Government of		
Andhra Pradesh.		
4. Director Agriculture		Himachal Pradesh
Government of Himachal Pradesh.		

[No. 1-11/89-Fert. Law]
R.M. SETHI, Jt. Secy.

ऊर्जा मंत्रालय
(कोयला विभाग)

नई दिल्ली, 10 सितम्बर, 1990

का.भा. 2547 :—केन्द्रीय सरकार, आवश्यक वस्तु अधिनियम, (1955 का 10) की धारा 16 द्वारा प्रवृत्त रख गए कोयला खान नियंत्रण प्रादेश, 1945 के खण्ड 3 और 4 के अनुसरण में, भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं.का.भा. 1255 (अ) तारीख 30 दिसम्बर, 1988 का निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना के उपाब्ध में,—

- (क) "सोहागपुर" क्षेत्र के सामने "कोलियरी" शीर्षक के नीचे अन्त में प्रविष्टि "गुभाप इनक्लाइन" अन्तः स्थापित की जाएगी;
- (ख) "सोहागपुर" क्षेत्र और उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित क्षेत्र और कोलियरी अन्तःस्थापित किए जायेंगे, अर्थात्:-

क्षेत्र कोलियरी
"कास्ता मधाईपुर"

[फा.सं. 28012(6) 89-सी.ए.]
कमल कान्त मिश्र, संयुक्त सचिव

MINISTRY OF ENERGY
(Department of Coal)

New Delhi, the 10th September, 1990

S.O. 2547.—In pursuance of clause 3 and clause 4 of the Colliery Control Order, 1945, as continued in force by section 16 of the Essential Commodities Act, 1955 (10 of 1955), the Central Govt. hereby makes the following amendments in the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 1255(E) dated the 30th December, 1988, namely :—

In the Annexure to the said notification,—

- (a) against the area Sohagpur under the heading Colliery, the entry "Subash Incline" shall be inserted at the end;
- (b) after the area Sohagpur and the entry relating thereto, the following area and colliery shall be inserted namely :—

Area
"KASTA

Colliery
Madhaipur"

[F. No. 28012(6) 89-CA]
K. K. MISRA, Jt. Secy.

ऊर्जा मंत्रालय
(कोयला विभाग)

नई दिल्ली, 11 सितम्बर, 1990

का.भा. 2548- केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्थन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अर्धन भारत के राजपत्र, भाग 2 खंड 3, उपखंड (ii), तारीख 29 अक्टूबर, 1988 में प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना का.भा.सं. 3188 तारीख 30 सितम्बर, 1988 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिश्वेत की भूमि में जिसका माप 1060.00 हेक्टर (लगभग) या 2619.26 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के लिए अपने धारा 4 की सूचना दी थी ;

अतः उक्त भूमि की बाबत उक्त अधिनियम की धारा 7 की उपधारा (1) के अर्धन कोई सूचना नहीं दी गई है ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक घट की और अधि जो 29 अक्टूबर 1990 से प्रारम्भ होगी विनिर्दिष्ट करती है जिसके भीतर केन्द्रीय सरकार ने भी भूमि और उस पर के अधिकारों की बाबत जो निम्नलिखित अनुसूची में विनिर्दिष्ट है के अर्धन की सूचना देगी :-

धनुसूची
खाखीगोपल ब्लॉक
तालुबेरे कीयला क्षेत्र
जिला डेनकनाल (उड़ीसा)

रेखांक सं. राजस्व / एसईसीएल/बी.एस.पी. सीजीएम/लैंड/73

तारीख : 30-7-90

(पूर्वक्षण के लिए अधिसूचित भूमि दर्शित करते हुए)

क्रम सं. ग्राम का नाम	पाना सं.	तालुबेरे	जिला	क्षेत्र एकड़ में	टिप्पणियाँ
1. धरमपुर	153	तालुबेरे	डेनकनाल	15.00	भाग
2. झारोपुर	154	तालुबेरे	डेनकनाल	20.99	संपूर्ण
3. मोतुवाली	155	तालुबेरे	डेनकनाल	93.73	संपूर्ण
4. कंकीली	156	तालुबेरे	डेनकनाल	1277.35	भाग
5. तेलीबहाल	157	तालुबेरे	डेनकनाल	8.32	संपूर्ण
6. कोस्तापासी	158	तालुबेरे	डेनकनाल	18.38	संपूर्ण
7. झरनाली	159	तालुबेरे	डेनकनाल	14.42	भाग
8. हरिहरपुर	160	तालुबेरे	डेनकनाल	38.75	संपूर्ण
9. काकुडी	161	तालुबेरे	डेनकनाल	148.68	भाग
10. बालजोड़ी	162	तालुबेरे	डेनकनाल	46.31	संपूर्ण
11. कुछियानाली	163	तालुबेरे	डेनकनाल	12.71	संपूर्ण
12. गुन्यावहल	164	तालुबेरे	डेनकनाल	23.32	संपूर्ण
13. बर्ताली	165	तालुबेरे	डेनकनाल	8.39	संपूर्ण
14. मेरुबनिया	166	तालुबेरे	डेनकनाल	23.07	संपूर्ण
15. रामचन्द्रपुर	167	तालुबेरे	डेनकनाल	46.48	संपूर्ण
16. बिहारीपुर	168	तालुबेरे	डेनकनाल	171.73	संपूर्ण
17. केटलेंचपुर	169	तालुबेरे	डेनकनाल	149.76	भाग
18. प्रमोदप्रसाद	170	तालुबेरे	डेनकनाल	221.87	भाग
19. किशोरीपाल	171	तालुबेरे	डेनकनाल	180.83	भाग
20. बीरबरपाली	172	तालुबेरे	डेनकनाल	19.36	संपूर्ण
21. महुलापाल (ख)	173	तालुबेरे	डेनकनाल	32.13	संपूर्ण
22. महुलापाल (ग)	174	तालुबेरे	डेनकनाल	25.555	संपूर्ण
23. बीसरबीपुर	136	तालुबेरे	डेनकनाल	22.125	भाग

कुल योग 2,619.26 एकड़ (भाग)

या 1,060.00 हेक्टर (खगम)

सीमा वर्णन :-

- क-ख रेखा बिन्दु "क" से प्रारंभ होती है और धरमपुर कंकीली, केटलेंचपुर प्रमोद प्रसाद, और वासरबीपुर ग्रामों से होकर जाती है तथा बिन्दु "ख" पर मिलती है।
- ख-ग रेखा वासरबीपुर ग्राम से होकर जाती है और तब प्रमोदप्रसाद, महुलापाल, (क) महुलापाल (ख), बीरबरपाली, किशोरीपाल ग्रामों की भाग वर्णनी सीमा के साथ साथ चलती है और बिन्दु "ग" पर मिलती है।
- ग-घ रेखा किशोरीपाल, काकुडी, हरिहर, झरनाली और कंकीली ग्रामों से होकर जाती है, जो बाह्याणी नदी की पश्चिमी सीमा भी है तथा बिन्दु "घ" पर मिलती है।
- घ-क रेखा कंकीली और धरमपुर ग्राम से होकर जाती है और प्रारंभिक बिन्दु "क" पर मिलती है।

[सं. 43015/7/88-एल. एच. डब्ल्यू.]

New Delhi, the 11th September, 1990

S.O.2548.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 3188 dated 30th September, 1988 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and published in part II section 3, sub-section (ii) of the Gazette of India dated the 29th October, 1988 the Central Government gave notice of its intention to prospect for coal in lands measuring 2619.26 acres (approximately) or 1060.00 hectares (approximately) in the locality specified in the Schedule appended thereto;

And, whereas in respect of the said lands, no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the sub-section(1) of section 7 of the said Act, the Central Government hereby specified a further period of one year commencing from the 29th October, 1990 as the period within which the Central Government may give notice of its intention to acquire the lands or any rights in or over such lands as specified in the Schedule below :—

SCHEDULE
SAKHIGOPAL BLOCK
TALCHER COALFIELD
DISTRICT-DHENKANAL (ORISSA)

Plan No. SECL/BSP/CGM/Land/73
dated 30-7-90

(showing the land notified for prospecting)

Sl. No.	Name of village	Thana Number	Tahsil	District	Area in acres	Remarks
1.	Dharampur	153	Talcher	Dhenkanal	15.00	Part
2.	Duaripur	154	Talcher	Dhenkanal	20.99	Full
3.	Mituan	155	Talcher	Dhenkanal	93.73	Full
4.	Kankili	156	Talcher	Dhenkanal	1277.35	Part
5.	Telibahal	157	Talcher	Dhenkanal	8.32	Full
6.	Kostapasi	158	Talcher	Dhenkanal	18.38	Full
7.	Jharanali	159	Talcher	Dhenkanal	14.42	Part
8.	Hariharpur	160	Talcher	Dhenkanal	38.75	Full
9.	Kakudi	161	Talcher	Dhenkanal	148.68	Part
10.	Balijodi	162	Talcher	Dhenkanal	46.31	Full
11.	Kochianali	163	Talcher	Dhenkanal	12.71	Full
12.	Gunthabahal	164	Talcher	Dhenkanal	23.32	Full
13.	Baranali	165	Talcher	Dhenkanal	8.39	Full
14.	Bherubania	166	Talcher	Dhenkanal	23.07	Full
15.	Ramchandrapur	167	Talcher	Dhenkanal	46.48	Full
16.	Biharipur	168	Talcher	Dhenkanal	171.73	Full
17.	Ketalandpur	169	Talcher	Dhenkanal	149.76	Part
18.	Pramodprasad	170	Talcher	Dhenkanal	221.87	Part
19.	Kishoripal	171	Talcher	Dhenkanal	180.83	Part
20.	Birabarpali	172	Talcher	Dhenkanal	19.36	Full
21.	Mahulpal(B)	173	Talcher	Dhenkanal	32.13	Full
22.	Mahulpal(A)	174	Talcher	Dhenkanal	25.555	Full
23.	Dasarathipur	136	Talcher	Dhenkanal	22.125	Part
Total				2619.26 Acres (approximately)		
				OR 1060.00 Hectares (approximately)		

Boundary Description:

- A—B** Line starts from point 'A' passes through villages Dharampur, Kankili, Ketlandpur, Pramodprasad and Dasarathipur and meets at point 'B'.
- B—C** Line passes through village Dasarathipur and then along the partly southern boundary of village Pramodprasad. Mahulapal (A), Mahulapal (B) Birabarpali, Kishoripal and meets at point 'C'.
- C—D** Line passes through villages Kishoripal, Kakudi, Hariharpur, Jharanali and Kankili, which is also western boundary of river Brahmani and meets at point 'D'.
- D—A** Line passes through villages Kankili and Dharampur and meets at the starting point 'A'.

[No. 43015/7/88-LSW]

का अॉ. 2549— केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजपक्ष, भाग 2, खंड 3, उपखंड (ii), तारीख 9 सितम्बर, 1989 पृष्ठ 2601-2602 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. 2126 तारीख 2 अगस्त, 1989 द्वारा उस अधिसूचना से उपबद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र में की 350.08 हेक्टर (लगभग) या 865.065 एकड़ (लगभग) भूमि में, कोयला का पूर्वेक्षण करने के लिए अपने आणव्य की सूचना दी थी

और केन्द्रीय सरकार का यह समाधान ही गया है कि उक्त भूमि के भाग में कोयला अधिप्राप्त है।

अतः अधः केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसने संलग्न अनुसूची में वर्णित 291.83 हेक्टर (लगभग) या 721.111 एकड़ (लगभग) माप की भूमि में सभी अधिकारों का अर्जन करने के अपने आणव्य की सूचना देती है।

टिप्पण : इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. एस.ई.सी.एल./बी.एम.पी./ जी एम (परि.) भूमि 62 तारीख 6 फरवरी, 1990 का निरीक्षण कलक्टर बिलासपुर (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, कॉन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या माउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पण 2: पूर्वोक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं।

8. अर्जन के प्रति आक्षेप—

(1) कोई व्यक्ति, जो किसी भूमि में जिसकी वास्तव धारा 7 के अधीन अधिसूचना निकाली गई है, हितवद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किसी अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकता है।

स्पष्टीकरण— इस धारा के अर्थात्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन सक्रिय करना चाहता है और ऐसी संक्रिया केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सूक्ष्म प्राधिकारी को लिखित रूप में की जाएगी और सूक्ष्म प्राधिकारी आपत्तिपूर्ता को स्वयं मुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को मुने के पश्चात् और ऐसी अनिश्चित जाति, यदि कोई हो करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अनिवार्य मुद्दित विभिन्न रिपोर्टों केन्द्रीय सरकार को उसके विनिर्णय के लिए देगा।

(3) इस धारा के प्रयोजन के लिए वह व्यक्ति किसी भूमि में हितवद्ध समझा जाएगा जो प्रतिकर में दिए का दावा करने का हवादार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकारी इस अधिनियम के अधीन अर्जित कर किए जाते हैं।

टिप्पण 3: केन्द्रीय सरकार ने कोयला नियंत्रक 1, कॉन्सिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम के अधीन सूक्ष्म प्राधिकारी नियुक्त किया है।

अनुसूची

भणिकपुर का दक्षिणी विस्तारण अंश

कोरवा कोयला क्षेत्र

जिला बिलासपुर (मध्य प्रदेश)

सभी अधिकार

क्रम सं.	ग्राम	हक्का सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियाँ
1.	मिलारई	10	कोरवा	बिलासपुर	60.80	भाग
2.	बरजामपुर	14	कोरवा	बिलासपुर	51.44	भाग
3.	कुडुरमल	14	कोरवा	बिलासपुर	42.22	भाग
4.	सोनपुरी	54	कटघोरा	बिलासपुर	61.80	भाग
5.	कनघेरी	55	कटघोरा	बिलासपुर	75.57	भाग

कुल क्षेत्र 291.83 हेक्टर (लगभग)

या 721.111 एकड़ (लगभग)

भिलाई ग्राम में अर्जित किए जाने वाले सं. (भाग-1)
 बरबासपुर ग्राम में अर्जित किए जाने वाले प्लॉट सं. (भाग)-बिलाई सुबेक्षण में;
 कुदुरमल भाग में अर्जित किए जाने वाले प्लॉट सं. (भाग-1) (पी)
 सोनपुरी ग्राम में अर्जित किए जाने वाले प्लॉट सं. (भाग)-661
 कनबेरी ग्राम में अर्जित किए जाने वाले प्लॉट सं. (भाग)-465 (पी)

सीमा वर्णन :-

क-ख-ग रेखा भिलाई ग्राम में बिन्दु "क" से प्रारम्भ होती है और ग्राम भिलाई, बरबासपुर, सोनपुरी-जटराडा की सामान्य सीमा से होकर जाती है जो कि हनुवेद नदी से होकर सी जाती है और बिन्दु "ग" पर मिलती है।
 ग-घ-ङ रेखा हनुवेद नदी के पश्चिमी किनारे के साथ साथ जाती है और बिन्दु "ङ" पर मिलती है।
 ङ-च-छ रेखा कनबेरी ग्राम में प्लॉट सं. 165 से होकर जाती है और प्लॉट सं. 1 से कुदुरमल ग्राम में प्रवेश करती है तथा बिन्दु "छ" पर मिलती है।
 छ-ज-झ रेखा हनुवेद नदी के पूर्वी किनारे के साथ साथ जाती है और ग्राम कुदुरमल-बरबासपुर की सामान्य सीमा पर बिन्दु "झ" पर मिलती है।
 झ-ञ-क रेखा हनुवेद नदी के पूर्वी किनारे के साथ साथ जाती है और प्रारम्भिक बिन्दु "क" पर मिलती है।

[स. 43015/8/89-एल.एस.डब्ल्यू.]

S.O. 2549.-Whereas by the notification of the Government of India in the Ministry of Energy, Department of Coal No. S.O. 2126 dated the 2nd August, 1989 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and published in the Gazette of India in part-II, section 3, sub-section (ii) dated the 9th September, 1989 at page 2601-2602, the Central Government gave notice of its intention to prospect for coal in 350.08 hectares (approximately) or 865.065 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of said land.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 291.83 hectares (approximately) or 721.111 acres (approximately) in all rights as described in the Schedule appended hereto.

Note-1 : The plans bearing No. SECL : BSP : GM(PRO) : LAND : 62 dated 6th February 1990 of the area covered by this notification may be inspected in the office of the Collector, Bilaspur (Madhya Pradesh) or in the office of the Coal Controller, 1 Council House Street, Calcutta or in the office of the South Eastern Coalfields Limited, (Revenue Section), Seepat Road, Bilaspur-495061 (Madhya Pradesh).

Note-2 : Attention is hereby invited to the provision of section 8 of the aforesaid Act, which provide as follows :

OBJECTION TO ACQUISITION :

8(1) Any person interested in any land in respect of which a notification under section 7 has been issued

may within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation : It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with record of the proceedings held by him, for the decision of the Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation of the land or any rights in or over such land were acquired under this Act."

Note-3 : The Coal Controller, 1 Council House Street, Calcutta has been appointed by the Central Government as the competent authority under the Act.

SCHEDULE

SOUTH EXTENSION BLOCK OF MANIKPUR

KORBA COALFIELD

DISTRICT BILASPUR (MADHYA PRADESH)

All Rights

Sl. No.	Village	Halka Number	Tahsil	District	Area in Hectares	Remarks
1	2	3	4	5	6	7
1.	Bhilai	10	Korba	Bilaspur	60.80	part
2.	Barbaspur	14	Korba	Bilaspur	51.44	part

1	2	3	4	5	6	7
3. Kudurmāl		14	Korba	Bilaspur	42.22	part
4. Sonpuri		54	Katghora	Bilaspur	61.80	part
5. Kanberi		55	Katghora	Bilaspur	75.57	part
Total :				291.83 Hectares (approximately)		
				OR		
				721.111 Acres (approximately)		

Plot numbers to be acquired in village Bhilai (part)-1.

Plot numbers to be acquired in village Barbaspur (part)-Unsurveyed.

Plot numbers to be acquired in village Kudurmāl (part)-1(P).

Plot numbers to be acquired in village Sonpuri (part)-661.

Plot numbers to be acquired in village Kanberi (part)-465 (P).

Boundary Description :—

A—B—C Line starts from point 'A' in village Bhilai and passes along the common boundry of villages Bhilai-Barbaspur, Sonpuri-Jatraj which is also through Hasdeo river and meets at point 'C'.

C—D—E Line passes along the western bank of the Hasdeo river and meets at point 'E'.

E—F—G Line passes in village Kanberi through plot number 465 and enter in village Kudurmāl through plot number 1 and meets at point 'G'.

G—H—I Line passes along the eastern bank of Hasdeo river and meets on the common boundary of villages Kudermāl-Barbaspur and meets at point 'I'.

I—J—A Line passes along the eastern bank of Hasdeo river and meets at the starting point 'A'.

[No. 43015/8/89-LSW]

नई दिल्ली, 12 मिनम्बर, 1990

का.अ. 2550:—केन्द्रीय सरकार को यह प्रतीत होता है कि हमसे उदासद्व अधिसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है; यद्यपि अब तक केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जेंट विकास और) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उस क्षेत्र में कोयले का पर्वक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले रेखांक सं. से-1 (ई) III जे.जे. आर./464-0490, तारीख 24 अप्रैल, 1990 का निरीक्षण वेस्टर्न कोलफील्ड्स लि. (राजस्थान विभाग) कोल एस्टेट मिनिंग लाइसेंस, नागपुर-440001 महाराष्ट्र के कार्यालय में या कलकत्ता, चम्बरपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, आउसिज हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में निम्नलिखित सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नकशों, चार्टों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, राजस्थान अधिकारी, वेस्टर्न कोलफील्ड्स लि., कोल एस्टेट, मिनिंग लाइसेंस, नागपुर-440001 को भेजेंगे।

अनुसूची
नया माजरी विस्तार ब्लॉक
वणी क्षेत्र
जिला चन्द्रपुर (महाराष्ट्र)

क्र.सं. ग्राम का नाम	पटवारी सर्किल सं.	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणियाँ
1. पटाला	3	भद्रावती	चन्द्रपुर	129.43	भाग
2. नागलोत	3	भद्रावती	चन्द्रपुर	29.60	भाग
कुल : 159.08 हेक्टर (लगभग)					या
393.10 एकड़ (लगभग)					

सीमा वर्णन :

- क-ख रेखा बिन्दु 'क' पर आरम्भ होती है और वहाँ वहाँ के उत्तरी पट के मध्य-पश्चिमी पटाला नाम से होकर गुजरती है और बिन्दु 'ख' पर मिलती है।
- ख-ग रेखा ग्राम पटाला से होकर गुजरती है और ग्राम नागलोत से होकर आगे बढ़ती है और बिन्दु 'ग' पर मिलती है।
- ग-घ रेखा ग्राम नागलोत और कुस्ना की सम्मिलित सीमा से होकर गुजरती है और बिन्दु 'घ' पर मिलती है।
- घ-क रेखा ग्राम नागलोत से होकर गुजरती है और ग्राम पटाला से होकर आगे बढ़ती है और आरम्भिक बिन्दु 'क' पर मिलती है।

[फा.सं. 43015/11/90-एल.एस. डेव्यू
बी.बी. राव, अधीक्षक सचिव]

New Delhi, the 12th September, 1990

S.O. 2550.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1(E)III/JJR/464-0490 dated 24th April, 1990 of the area covered by this notification can be

inspected at the Office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or at the Office of the Collector Chandrapur (Maharashtra) or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Western Coalfields Limited, Coal Estate, Civil Lines Nagpur-440001, within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE
NEW MAJRI EXTENSION BLOCK
WANI AREA
DISTRICT CHANDRAPUR (MAHARASHTRA)

Serial number	Name of village	Patwar, circle number	Tahsil	District	Area in hectares	Remarks
1. Patala		3	Bhadrawati	Chandrapur	129.48	Part
2. Naglon		3	Bhadrawati	Chandrapur	29.60	Part
Total :						159.08 hectares (approximately)
or						393.10 acres (approximately)

Boundary description :

- A—B Line starts from point 'A' and passes through village Patala along the northern bank of Wardha River and meets at point 'B'.
- B—C Line passes through village Patala and then proceeds through village Naglon and meets at point 'C'.
- C—D Line passes along the common boundary of villages Naglon and Kusna and meets at point 'D'.
- D—A Line passes through village Naglon and then proceeds through village Patala and meets at starting point 'A'.

[No. 43015/11/90.LSW]

B.B. RAO, Under Secy.

पेट्रोलियम और रसायन मंत्रालय
(पेट्रोलियम और प्राकृतिक गैस विभाग)
नई दिल्ली, 31 अगस्त, 1990

सं. प्रा. 2551- पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसूचि में केन्द्रीय सरकार द्वारा निम्नलिखित तालिका के कॉलम 1 में उल्लिखित प्राधिकारी को उक्त अधिनियम के अधीन उक्त अनुसूची के कॉलम 3 में तत्संबंधी प्रविष्टि में उल्लिखित क्षेत्र में अंतर्गत मध्यम अधिकारी के रूप में कार्य करने के लिए प्राधिकृत करती है।

अनुसूची

नाम और पदनाम	पता	सम राज्य क्षेत्र की कार्य-सीमा
1	2	3
श्री वी.एस. नायिक अवकाश प्राप्त सहायक आयुक्त, महाराष्ट्र में ग्रसिम इंडस्ट्रीज लिमि 91, माथहरा भवन थान से मालखान तक, महाराष्ट्र राज्य में। सरकार।	230 नरिमान पॉइंट बम्बई।	

[सं. O-14016/15/85-जेपी]

राज्य महर्षि, उत्सव

MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum & Natural Gas)

New Delhi, the 31st August, 1990

S.O. 2551.—In pursuance of Clause (a) of Section 2 of the

Petroleum and Mineral Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the authority mentioned in column 1 of the schedule below to perform the function of competent authority under the said act within the area mentioned in the corresponding entry in the column 3 of the said schedule.

SCHEDULE

Name and Designation	Address	Territorial Jurisdiction
1	2	3
Shri V.S. Naik Retired Assistant Commissioner Govt. of Maharashtra.	M/s. Grasim Industries Ltd. 91, Sakhar Bhavan 230 Nariman Point Bombay.	That to Salvan in the State of Maharashtra.

[No. O-14016/45/85-GP.]

RAJIV MEHRISHI, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 22 अगस्त, 1990

का. प्रा. 2552 — केन्द्रीय सरकार, भारतीय चिकित्सा केन्द्रीय परिषद् अधिनियम, 1970 (1970 का 48) की धारा 14 की उपधारा (2) द्वारा प्रबन्धन शक्तियों का प्रयोग करते हुए, भारतीय चिकित्सा केन्द्रीय परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की द्वितीय अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

द्वितीय अनुसूची में :—

(क) भाग-I में मध्य प्रदेश पीपेक के नीचे रक्षक विषयविशालय रायपुर से संबंधित क्रम संख्या 47 के मामले स्तम्भ 2, 3 और 4 में विद्यमान प्रविष्टियां के पश्चात् निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

2	3	4
डाक्टर आफ आयुर्वेदिक मेडिसिन डॉ. साधु एम.	1977 से 1978 तक	
डाक्टर आफ मेडिसिन (आयुर्वेद)	1979 से 1981 तक	
आयुर्वेद प्राक्कान एम.डी.	1982 से आगे —	
[आयुर्वेद (काय चिकित्सा)]		

(ख) भाग-II में, "महाराष्ट्र" शीर्षक के नीचे क्रम सं. 118 और उससे संबंधित प्रविष्टियों के पश्चात्, निम्नलिखित क्रम संख्या और प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

1	2	3	4
"आई आई सी"	कामिल-ए-लिब्ब ओ- बी यू एम एम	1988 से आगे	
पूना	जोस्ट		
विश्वविद्यालय, पुणे	(यूनानी आयुर्विज्ञान तथा जल का स्नातक)		

[सं. प्रो. 26015/3/90-ए ई]

एम. लिथेरी, अवर सचिव

टिप्पण :— भारतीय चिकित्सा परिषद् अधिनियम, 1970 (1970 का 18) की दूसरी अनुसूची में निम्नलिखित द्वारा संशोधन किए गए :—

1. का. प्रा. सं. 4068 दिनांक 30 नवम्बर, 1979
2. का. प्रा. सं. 2635 दिनांक 18 नवम्बर, 1980
3. का. प्रा. सं. 2313 दिनांक 20 अगस्त, 1981

4. का.प्र.सं. 2314 दिनांक 22 अगस्त, 1981
5. का.प्र.सं. 137 दिनांक 24 दिसम्बर, 1981
6. का.प्र.सं. 638 दिनांक 25 जनवरी, 1982
7. का.प्र.सं. 661 दिनांक 2 फरवरी, 1982
8. का.प्र.सं. 973 दिनांक 20 फरवरी, 1982
9. का.प्र.सं. 354 (ई) दिनांक 6 मई, 1983
10. का.प्र.सं. 3550 दिनांक 5 सितम्बर, 1983
11. का.प्र.सं. 804 (ई) दिनांक 11 नवम्बर, 1983
12. का.प्र.सं. 462 (ई) दिनांक 23 जून, 1984
13. का.प्र.सं. 1911 दिनांक 17 अप्रैल, 1985
14. का.प्र.सं. 2745 दिनांक 29 मई, 1985
15. का.प्र.सं. 3104 दिनांक 5 जुलाई, 1985
16. का.प्र.सं. 4057 दिनांक 14 अगस्त, 1985
17. का.प्र.सं. 5603 दिनांक 2 दिसम्बर, 1985
18. का.प्र.सं. 5671 दिनांक 5 दिसम्बर, 1985
19. का.प्र.सं. 832 दिनांक 17 फरवरी, 1986
20. का.प्र.सं. 1832 दिनांक 16 अप्रैल, 1986
21. का.प्र.सं. 627 दिनांक 2 फरवरी, 1987
22. का.प्र.सं. 760 दिनांक 25 फरवरी, 1987
23. का.प्र.सं. 1030 दिनांक 30 मार्च, 1987
24. का.प्र.सं. 1946 दिनांक 9 जुलाई, 1987
25. का.प्र.सं. 3186 दिनांक 30 अक्टूबर, 1987
26. का.प्र.सं. 1697 दिनांक 15 अप्रैल, 1988
27. का.प्र.सं. 1504 दिनांक 22 अप्रैल, 1988
28. का.प्र.सं. 1040 दिनांक 6 अप्रैल, 1989
29. का.प्र.सं. 1920 दिनांक 21 जुलाई, 1989
30. का.प्र.सं. 2177 दिनांक 14 अगस्त, 1989
31. का.प्र.सं. 2594 दिनांक 21 सितम्बर, 1989
32. का.प्र.सं. 969 (ई) दिनांक 29 नवम्बर, 1989

EXTRACT

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 22nd August, 1990

S.O. 2552.—In exercise of the powers conferred by sub-section (2) of section 14 of the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central Government, after consulting the Central Council of Indian Medicine, hereby makes the following further amendments in the Second Schedule to the said Act, namely :—

In the Second Schedule :—

- (a) In part-I under the heading "Madhya Pradesh" against serial No. 47 relating to the entry Ravishankar Vishwavidyalaya, Rajpur, in column 2,3 and 4 after the existing entries, the following entries shall be added namely :—

2	3	4
"Doctor of Ayurvedic Medicine	D.Ay.M	From 1977 to 1978
Doctor of Medicine (Ayurved)	—	From 1979 to 1981
Ayurved Vachaspati-MD (Ayurved) (Kaya Chikitsa)	—	From 1982 onwards"

(b) In part-II, under the heading "Maharashtra" after serial No. 118 and the entries relating thereto, the following serial number and entries shall be added, namely :—

(1)	(2)	(3)	(4)
"IIC Poona University, Pune	Kamil-o-Tib-o-Jarahat (Bachalor) of Unani Medicine & Surgery)	BUMS	From 1988 onwards'D'

[No. V. 26015/3/90-AE]
M. TRIVEDI, Under Secy.

NOTE :—The Second Schedule to the Indian Medicine Central Council Act, 1970 (48 of 1970) has been subsequently amended vide :

1. S.O. No. 4068 dated the 30th November, 1979.
2. S.O. No. 2635 dated the 18th September, 1980.
3. S.O. No. 2313 dated the 20th August, 1981.
4. S.O. No. 2314 dated the 22nd August, 1981.
5. S.O. No. 137 dated the 24th December, 1981.
6. S.O. No. 638 dated the 25th January, 1982.
7. S.O. No. 661 dated the 2nd February, 1982.
8. S.O. No. 973 dated the 20th February, 1982.
9. S.O. No. 354(F) dated the 6th May, 1983.
10. S.O. No. 3550 dated the 5th September, 1983.
11. S.O. No. 804(F) dated the 11th November, 1983.
12. S.O. No. 462(E) dated the 23rd June, 1984.
13. S.O. No. 1911 dated the 17th April, 1985.
14. S.O. No. 2745 dated the 29th May, 1985.
15. S.O. No. 3404 dated the 5th July, 1985.
16. S.O. No. 4057 dated the 14th August, 1985.
17. S.O. No. 5603 dated the 2nd December, 1985.
18. S.O. No. 5671 dated the 5th December, 1985.
19. S.O. No. 832 dated the 17th February, 1986.
20. S.O. No. 1832 dated the 16th April, 1986.
21. S.O. No. 627 dated the 2nd February, 1987.
22. S.O. No. 760 dated the 25th February, 1987.
23. S.O. No. 1030 dated the 30th March, 1987.
24. S.O. No. 1946 dated the 9th July, 1987.
25. S.O. No. 3186 dated the 30th October, 1987.
26. S.O. No. 1697 dated the 15th April, 1988.
27. S.O. No. 1504 dated the 22nd April, 1988.
28. S.O. No. 1040 dated the 6th April, 1989.
29. S.O. No. 1910 dated the 21st July, 1989.
30. S.O. No. 2177 dated the 14th August, 1989.
31. S.O. No. 2594 dated the 21st September, 1989.
32. S.O. No. 969(F) dated the 29th November, 1989.

(स्वास्थ्य विभाग)

नई दिल्ली, 6 सितम्बर, 1990

का.प्र.सं. 2552.—अन्तर्गत अधिनियम, 1970 (1970 का 16) की धारा 14, उप-धारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन.ए.आर. भारतीय चिकित्सा परिषद् से परामर्श करके उक्त अधिनियम की अनुसूची के भाग-III में निम्नलिखित संशोधन करती है, अर्थात् :—

अनुसूची के भाग III में क्रमांक 72 और उससे संबंधित प्रविष्टियों के बाद निम्नलिखित क्रमांक और प्रविष्टियाँ जोड़ी जाएंगी, अर्थात् :—

"73 उदात्त विश्वविद्यालय 1980 अथवा उसके बाद प्रदान की गई स्नातक की डिग्री	बी.डी.एस. उदात्त
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[सं. बी-12017/7/89-पीएमएम]
आर.जी. निवासन, अवर सचिव

टिप्पण : अ.सू.नं. म.ब.द. में निम्नलिखित संशोधन किया गया है :—

1. का. आ. संख्या 366, दिनांक 12 जनवरी, 1977
2. का. आ. संख्या 2671, दिनांक 17 सितम्बर, 1981
3. का. आ. संख्या 1973, दिनांक 11 अप्रैल, 1983

(Deptt. of Health)

New Delhi, the 6th September, 1990

S.O. 2553.—In exercise of the powers conferred by clause (b) of sub-section (4) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby makes the following amendment in Part III of the Schedule to the said Act, namely :—

In Part III of the Schedule after serial number 72, and the entries relating thereto, the following serial number and entries shall be added, namely :—

“73. University Of Ibadan, Nigeria.	Bachelor of Dental Surgery When granted on or after 1980.	B. D. S. Ibadan,”
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[No. V-12017/7/89-PMS]
R. SRINIVASAN, Under Secy.

NOTE.—The Schedule has been subsequently amended vide :

1. S.O. Number 366 dated the 12th January, 1977.
2. S.O. Number 2671 dated the 17th September, 1981.
3. S.O. Number 1973 dated the 11th April, 1983.

शहरी विकास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 11 सितम्बर, 1990

का.आ. 2554.—यतः निम्नलिखित क्षेत्रों के बारे में कतिपय संशोधन, जिन्हें केन्द्रीय सरकार नीचे वर्णित क्षेत्रों के बारे में दिल्ली बृहद योजना/क्षेत्रीय विकास योजना में प्रस्तावित करती है जो दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 44 के अनुसार दिनांक 2-6-1990 के नोटिस संख्या एफ 16(8)/85-एस पी द्वारा प्रकाशित किए गए थे, जिसमें उक्त नियम की धारा 11-क की उपधारा (3) में अपेक्षित आपत्तियाँ/मुद्दाय, उक्त नोटिस की तारीख से 30 दिन की अवधि के भीतर आमंत्रित किए गए थे।

और यतः उक्त प्रस्तावित संशोधनों के बारे में कोई आपत्ति और मुद्दा प्राप्त नहीं हुए हैं, और यतः केन्द्रीय सरकारने दिल्ली बृहद योजना/क्षेत्रीय विकास योजना में संशोधन करने का निर्णय लिया है। अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 11-क की उपधारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करने हुए, भारत के राजपत्र में इस अधिनियम के प्रकाशन की तारीख से दिल्ली की उक्त बृहद योजना में एन.डू.द्वारा निम्नलिखित संशोधन करती है।

संशोधन :

“शेन डी-13 (चाणक्यपुरी क्षेत्र) के अन्तर्गत आने वाले और उत्तर-पश्चिम में मन्दाप पटेल (150 फुट मार्गाधिकार), दक्षिण पश्चिम में व्यावसायिक उपयोग (श्रील मीर्य गैरगा), दक्षिण-पूर्व और उत्तर-पूर्व में आवासीय उपयोग (रेलवे कालोनी एवं सरकारी स्टॉक क्वार्टरों) से घिरे हुए लगभग 4.035 हेक्टेयर (10 एकड़) क्षेत्र का भूमि उपयोग “आवासीय उपयोग” में बदलकर “सरकारी उपयोग” किया जाता है।”

[स.के. 13011/1/90-डी.डी.पी. I-डी.]

अर्जुन देव, अवर सचिव

MINISTRY OF URBAN DEVELOPMENT

(Delhi Division)

New Delhi, the 11th September, 1990

S.O. 2554.—Whereas certain modifications, which the Central Government proposes to make in the Master Plan for Delhi/Zonal Development Plan regarding the areas mentioned hereunder, were published with Notice No. F 16(8)/85-MP dated 2-6-1990 in accordance with the provisions of section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions, as required by sub-section (3) of Section 11-A of the said Act, within thirty days from the date of the said notice.

And whereas no objections and suggestions have been received with regard to the said proposed modification, and whereas the Central Government have decided to modify the Master Plan for Delhi/Zonal Development Plan. Now therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

MODIFICATION :

“The land use of an area, measuring 4.035 hect. (10 acres), falling in Zone D-13 (Chanakya Puri Area) and bounded by Sardar Patel Marg (200 R/W) in the North-West, Commercial use (Hotel Maurya Shertan) in the South-West, residential use (railway colony & Govt. staff quarters) in the South-East and North-East, is charged from ‘Residential use’ to ‘Government use’.

[No. K-13011/1/90/DD/VA/IB]

ARJUN DEV, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली 7 सितम्बर, 1990

का.आ. 2555.—चलचित्र अधिनियम 1952 (1952 का 37) के खण्ड-5 के उपखण्ड (1) और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 में प्रदत्त शक्तियों के प्रयोग के अन्तर्गत दिनांक 9 जुलाई, 1990 की समसंख्यक अधिसूचना के अन्तर्गत केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के विवेकम मलाहकार पैनल के निम्नलिखित सदस्यों को 23 अगस्त, 1990 से अगले आदेशों तक नियुक्त करती है :—

1. श्रीमती ऊषा राजगोपालन
2. श्रीमती देवदानी रामकरणन
3. श्री टी. एन. जयदेवन
4. श्री तोनम राजगोखरन
5. श्रीमती जाना पी. नायर
6. श्रीमती सी.के. लिवे
7. श्रीमती तन्वीना कुमारी
8. श्री पी. मारायण कृष्ण

2. सर्वे/श्री पी. भास्करन, जयचन्द्र नायर और श्रीमती गौरी पार्थवी भाई तत्काल प्रभाव से विवेकम मलाहकार पैनल के सदस्य नहीं होंगे।

[फाइल नं. S11/10/90-एफ (सी.)]

पी.एम. यरूम, चैक अधिकारी

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 7th September, 1990

S.O. 2555.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952), and rules 7 and 8 of the Cinematograph

(Certification) Rules 1983 and in continuation to this Ministry's Notification of even number dated 9th July, 1990, the Central Government is pleased to appoint the following as Members of Trivandrum Advisory Panel of the Central Board of Film Certification with effect from 23rd August, 1990 and until further orders :—

1. Smt. Usha Rajagopalan
2. Smt. Devayani Ramakrishnan
3. Smt. T. N. Jayadevan
4. Shri Thottam Rajasekharan
5. Smt. Santha P. Nair
6. Smt. C. K. Jily
7. Smt. Nalina Kumari
- Shri P. Narayana Kurup.

2. S/Shri P. Bhaskaran, Jayachandran Nair and Smt. Gouri Parvati Bhai will cease to be Members of the Trivandrum Advisory Panel with immediate effect,

[File No. 814/10/90-F(C)]

1. S. ARASU, Desk Officer (F.C.)

अम संत्राख्य

नई दिल्ली, 5 मितम्बर, 1990

का. अ. 2556.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरानी कोलरीस कम्पनी लिमिटेड के प्रबन्धन के संबंध निर्यातकों और उनके कर्मकारी के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, अन्ध्र प्रदेश के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 5th September, 1990

S.O. 2556.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Andhra Pradesh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Co. Ltd. and their workmen, which was received by the Central Government on 5th September, 1990.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

Dated 17th August, 1990

Industrial Dispute No. 109 of 1984

BETWEEN :

The Workmen of Singareni Collieries Company Limited, Ramakrishnapur Division-I, Adilabad District, A. P.

AND

The Management of Singareni Collieries Company Limited, Ramakrishnapur Division-I, Adilabad District, A. P.

2516 GI/93—5

APPEARANCES :

Sarvasri K. G. Kannabiran and B. Nalin Kumar, Advocates—for the Workman.

Sarvasri K. Srinivasa Murthy, H. K. Saigal and G. Sudha, Advocate—for the Management.

AWARD

The Government of India, Ministry of Labour & Rehabilitation by its Order No. L-22011/32/84-D.III.B. dated 15th December, 1984 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employees in relation to the management of Singareni Collieries Company Limited, Ramakrishnapur Division-I and their workmen to this Tribunal for adjudication :—

“Whether the management of Messrs. Singareni Collieries Co. Ltd., Ramakrishnapur Division-I, P. O. Ramakrishnapur, District, Adilabad (A.P.), are justified in denying (i) two extra increments to Sarvasri T. Krishna Swamy, Short-firer, R. K. 3 Incline and Ch. Rajamallu, Overman, SRR, 2A Incline with effect from 20-7-77 and 12-7-77 respectively and (ii) promotion of Grade ‘C’ Shortfirer with effect from 26-9-1979 to Sri Sh. Rajamallu? If not to what relief are the workmen concerned entitled?”

This reference was registered as Industrial Dispute No. I.D. 109/84 and notices were issued to the parties.

2. In the claim statement it was alleged that these two workmen Sri T. Krishna Swamy and Ch. Rajamallu were promoted as Short Firers i.e. 27-7-1987 and on 22-7-1987 respectively. As per understanding dated 28-9-1978 extra increment were granted for Mining Staff and as per it all Overmen Mining Sirdar and Short Firers in service as on 31-12-1977 are to be given two extra increments in their pay with effect from 1-8-1977 or from the date of their entry into that cadre. It is also pertinent that two other employees who were promoted as such namely D. Saidaiyah and H. S. N. Swamy promoted on 17-8-1977 and 27-1-1978 were given two increments. But still inspite of their repeated representations, they were not given increments. Hence it is requested that an Award may be passed granting increments to them.

3. A counter was filed on behalf of the Management contending that the practice of promotion as Short Firer ‘D’ Grade existing prior to 28-9-1978 was that one should possess valid Gas Testing, First Aid and Shot Firer Certificates and he should deposit these certificates in the Pit Office and then his case will be considered for promotion basing on the availability of vacancies. But the Union raised a dispute and here was a settlement dated 28-9-1978 (the terms of the Settlement No. 11(a)(b) were extracted in the counter). T. Krishna Swamy was promoted as Short Firer from 20-7-1977 as per order dated 17-2-1979. Likewise Rajamallu was promoted as Short Firer from 22-7-1977 as per another order of the same date. From the above it can be seen that they were promoted in 1979 with retrospective effect wrongly, they cannot claim extra increments allowed to the Short-firer who were in service as Shot Firers as on 31-12-1977. It is incorrect to say that the promotion orders were of 1977. The other workmen mentioned D. Saidaiyah and H. S. N. Swamy were given the benefit special increments wrongly by wrong interpretation of the Settlement dated 28-9-1978. Hence the same cannot be repeated in the case of the workmen-petition also. Hence they are not eligible and not entitled for any increments.

4. Evidently this is a matter of fact, the question involved is a point about applicability of Clauses 11(a), (b) and (d) and the facts are not in dispute at all. Even the workmen has admitted that they were promoted in 1979 only with retrospective effect. Hence the oral evidence has not been discussed much. Ex. W-1 is the Circular extracted the following :

(i) All Overmen, Mining Sirdars and Shot Firers in increments in their pay with effect from 1-8-1977 or from the date of their entry into that cadre after 1-6-1977 whichever is later.

(ii) Similarly, Overmen, Mining Sirdars and Shot firers appointed between 1-1-1978 and 15-8-1978 will also be given one extra increments, as a special case, with effect from the date of their entry into that cadre.

(iii) The increments so granted as above, will be treated as purely personal to themselves and get merged automatically in the future revision of pay, if any."

Ex. W-2 is 'I. Krishna Swamy's promotion order promoting him as Shot-firer 'D' with effect from 20-7-1977' as rightly mentioned in the counter dated 15/17-2-1979. Ex. W-5 is the promotion order of Raja Mallu same as 'w.e.f. 22-7-1977' of the same date 15/17-2-1979. Exs. W-6 and W-7 are the promotion orders of H. D. Satyanarayana and D. Saidaih "w.e.f. 22-1-1978 and 17-8-1977 respectively" and they are also dated 15/17-2-1979. Ex. M-1 is a Circular issued along with the memorandum of settlement dated 28-9-1978 with regard to implementation of the various items of the Memo especially requesting the Divisional Superintendent to "arrange to take action on items 11(f), (g), (h) and 14 from your end". Ex. M-2 is the correction slip dated April/May, 1983 wherein it was mentioned that the promotions were effected "with retrospective effect from 22-7-1977 and 20-7-1977 respectively inadvertently. Hence they are not entitled for any special increments."

5. Thus it is evident that the Management admitted that they gave promotions retrospective (very curious procedure which cannot be found anywhere) but later on realised and stated in 1983 that is after four years, that it was done inadvertently.

6. But there is evidence of MW-1 the Perusal Manager. It was elicited in cross examination "it is true that in Singareni Collieries there are instances of giving promotions with retrospective effect. It is not correct to say that they are normally giving promotions with retrospective effect due to wrong practices. Now I see Exs. W-6 and W-7 I find in these orders also promotions were given with retrospective effect." A suggestion was made to two workers. WW-1 the workman in question and WW-2 that the increments given to Saidaih and Satyanarayana was revised.

7. These are materials that were placed before this Tribunal It is evident that (1) promotions were given to respective effect from 1977 (2) for such people as per the Memorandum of Settlement dated 28-9-1978 increments should be given (3) though it was mentioned inadvertently in Ex. M-2 it was issued since four years and later on (4) though it was suggested that the other two workers who are given retrospective increments as per Ex. W-6 and Ex. W-7, no revised slip, similar to Ex. M-2 were filed with regard to them and MW-1 is silent about these two workers who were given retrospective promotions similar to WW-1 and WW-2.

8. If really any mistake was committed in giving retrospective effect promotion that should have been rectified immediately and this is a matter pending from 1984 onwards and Ex. M2 is of order dt. 1983. MW1 also categorically stated in cross examination "It is not true to say that as we fabricated, Ex. M2 for needs of this I.D. the names of people covered by Ex. W6 and Ex. W7 are not indicated in this Ex. M2. Now I see that copies of Ex. M2 are not marked to the effected workmen."

9. In view of all these things, an Award is passed in favour of the workmen ordering the management to give them all promotional benefits from the date mentioned in Ex. W2 and W5 namely w.e.f. 20-7-1977 and 22-7-1977.

10. Hence the Management of Messrs Singareni Collieries Company Limited, Ramakrishnapur Division I, P.O. Ram-

krishnapur, District Adilabad (A.P.) are not justified in denying (i) two extra increments to Sarvasri T. Krishna Swamy, Short-firer, R.K. 3 Incline and Ch. Rajamallu, Overman, SRP. 2A Incline with effect from 20-7-1977 and 22-7-1977 respectively and (ii) Promotion to Grade 'C' Shortfirer with effect from 26-9-1979 to Sri Ch. Pajamallu and the workmen are entitled to all the benefits mentioned supra.

Award passed accordingly.

Dictated to the Senographer, transcribed by him, corrected by me and given under my hand the seal of this Tribunal this the 17th day of August, 1990.

K. TARANADH, Industrial Tribunal

APPENDIX OF EVIDENCE

Witnesses Examined for

(the Workmen :

WW1 T. Krishna Swamy

WW2 K. Balaiah

Witnesses Examined for

the Management:

M.W1 F. S. Thomas

DOCUMENTS MARKED FOR THE WORKMEN

Ex. W1—True Copy of the Circular dt. 28-9-78 issued by General Manager, S.C. Company Limited, Kothagudam Collieries to all S.M.Es/Colliery Managers of all collieries with regard to extra increments for Mining Staff.

Ex. W2—Promotion order dt. 15/17-2-1979 issued to T. Krishna Swamy Coal Filler by the Additional, G.M., MM & RKP. S.C. Co. Ltd.

Ex. W3—Postal Receipt No. 2905 dt. 3-2-87.

Ex. W4—Notice dt. 27-1-87 issued to the Chairman and Managing Director, S.C. Company Limited, Meher Manzil, Red Hills, Hyderabad by the Counsel for the Workman.

Ex. W5—Promotion Order dt. 15/17-2-79 issued to C. Raja Mallu, General Mazdoor, R.K. 3 by the Additional G.M., M M & RKP S.C. Co. Ltd., Kalyanikhani.

Ex. W6—Promotion Order dt. 15-2-79 issued to H. Satyanarayana Coal Filler, Ravindra Khani No. 3, R.K. Pur No. 1 Division by the Additional G.M., MM & RKP, S.C. Co. Ltd., Kalyanikhani.

Ex. W7—Promotion Order dt. 15/17-2-79 issued to D. Saidaih, Coal Filler, Ravindra Khani No. 3, RKP I Division by the Additional G.M., MM & RKP S.C. Co. Ltd., Kalyanikhani

Ex. W8—Promotion Order dt. 17/15-6-1980 issued to Ch. Rajamallu, Shortfirer 'C' Grade R.K. 3 Incline, by the Additional G.M., MM & RKP. S.C. Co. Ltd., Kalyanikhani.

DOCUMENTS MARKED FOR THE MANAGEMENT

Ex. M1—Copy of Memorandum of Settlement arrived at U/s. 12(3) of the I.D. Act, 1947 on 28-9-1978 at Kothagudam in the Industrial Dispute between the Management of S.C. Co. Ltd., and their workmen represented by (1) Singareni Collieries Workers' Union and (2) Tandur Coal Mines Labour Union, over a charter of demands.

Ex. M2—Letter dt. 25-4/3-5-1983 of the G.M., MM & RKP, S.C. Co. Ltd., to the Additional C.M.E., RKP I with regard to grant of Special Increments under New A-I.

K. TARANADH, Industrial Tribunal

का आ. 2557.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ई. सी. लिमिटेड डकदर—डीसरधार के प्रवन्धतंत्र के संबंध निोजको और उनके कर्मकारों के बीच अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

S.O. 2557.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on the 5-9-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 61/88

PARTIES : Employers in relation to the Management of M/s. Eastern Coalfields Ltd.

AND

Their Workman

APPEARANCES :

For the Employers—Sri B. N. Lala, Advocate.

For the Workman—Sri Samiran Chakravorty, Genl. Secretary, CMEU.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 17th August, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-24012/51/88-D.IV(B) dated 4-8-88.

SCHEDULE

"Whether the Chairman-cum-Managing Director of M/s. E.C. Ltd., Sanctoria, P.O. Dishergarh, Dist. Burdwan in not allowing Sri Bachhulal Hela, Safaiwala of Mines Rescue Station, Sitarampur to continue in employment w.e.f. 1-4-85 on the basis of School Leaving Certificate and Medical Report dated 6-1-48 and 25-2-85 respectively was justified? If not, to what relief the workman is entitled?"

2. During the pendency of the case, on 16-8-90 both the parties filed a joint petition of compromise duly signed by them with a prayer to make an award in terms of the settlement.

2. I have gone through the terms of settlement and I find them quite fair and reasonable. Accordingly in terms of the settlement the award is passed. The terms of settlement shall form part of the award.

N. K. SAHA, Presiding Officer.

[No. L-2404/51/88-D.IV(B)]

BEFORE THE HON'BLE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL
Ref. No. 61 of 1988

PARTIES :

Employers in relation to the management of Eastern Coalfields Ltd.

AND

Their Workmen

(Sri Bachhulal Hela)

JOINT PETITION OF COMPROMISE

1. Both the parties abovenamed beg to submit as under:

That the aforesaid matter is pending before the Hon'ble Tribunal and the matter has not been fully heard as yet.

2. That in the meantime, both the parties have to come to an amicable settlement on the following terms:

TERMS OF SETTLEMENT

(i) That Sri Bachhulal Hela, the workman concerned will be sent for determination of his age to the Apex Medical Board of the company at Sanctoria Hospital within 15 days from date.

(ii) That both the parties shall be bound by the findings of the said Apex Medical Board.

(iii) That in case according to the findings of Apex Medical Board the workman concerned Sri Bachhulal Hela is found below 60 years (sixty years) of Age, the workman will be allowed to resume his duty in his original post of Safaiwala.

(iv) That for the period of idleness from 1-4-85 till the date he resumes duty in terms of Para 'iii' above the workman shall be paid 50% of his wages with 2(two) months from the date he resumes duty.

By the settlement the instant matter and any incidental matter arising out of instant reference shall be fully and finally resolved.

(v) That this Settlement will be affective from the date it is accepted by the Hon'ble Tribunal.

3. Both the parties pray that the Hon'ble Tribunal may be pleased to accept this settlement as fair and proper and may be further pleased to pass an Award in terms of the Settlement.

Dated 16th August, 1990.

For & on behalf of the
Eastern Coalfields Limited.

For & on the behalf of the workman.
G. S. Coal Employees Union.

का. आ. 2558.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. डब्ल्यू. सी. एन. कोनबर एरिया के प्रवन्धतंत्र के संबंध निोजको और उनके कर्मकारों के बीच अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

S.O. 2558.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. W.C.L., Konber Area and their workmen, which was received by the Central Government on the 5-9-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(47)/1986

PARTIES :

Employers in relation to the management of Mohan Colliery of W.C.L. P.O. Junnaideo, District Chhindwara (M.P.) and their workman, A. Mateen represented through the M.P. Rashtriya Koyala Kshaudra Mazdoor Sangh (MNUC), Chandametta, P.O. Parasia, Distt. Chhindwara (M.P.).

APPEARANCES :

For Workman—Shri S.K. Rao, Advocate.

For Management—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mining— District : Chhindwara (M.P.)

AWARD

Dated, August, 27th 1990

This is a reference made by the Central Govt. in the Ministry of Labour vide its notification NO. L-22012/3/84-D.V. dated 01.08.1986 for adjudication of the following dispute:—

"Whether the action of the management of M/s. W.C.L., Khamman Area in relation to their Mohan Colliery in demoting Shri A. Mateen from clerk grade I to clerk grade II and reducing his pay to Rs. 500 (maximum of grade II) is justified? If not, to what relief the workman is entitled."

2. After filing of pleadings by the parties the case was fixed for arguments on the question of validity of domestic enquiry. On 27-8-1986 both the parties argued on preliminary point, thereafter my learned predecessor passed an order holding that the enquiry is improper, illegal and not in accordance with the natural justice hence it is vitiated. Since the management had asked for an opportunity to prove misconduct before this Court, in case the enquiry is held to be vitiated, management was allowed to do so. Therefore the case was fixed for supply of relevant documents to the workman on 21-7-1986 and thereafter for evidence of parties on 30-10-1986. Parties did not adduce evidence and took time for the same. On 13-8-1990 Counsel for both parties appeared and stated that the case has been settled in the year 1986 and the same has already been implemented. They also filed a photocopy of the settlement dated 2-9-1986 and verified the same before this Court.

3. It is observed that the settlement between the parties was arrived at on 2-9-1986 but the parties did not file the Memorandum of Settlement earlier. They should have done so at least on 10-12-1986 which was a date for recording of evidence. They did so only on 13-8-1990 i.e. after about four years from the date of settlement. Therefore the case remained unnecessarily pending in this Court for such a long period.

4. The terms of settlement agreed upon between the parties are as under :—

"1. It was agreed that Sri Mateen, who had been demoted from Clerical Gr. I to Clerical Gr. II with effect from 20-8-83 will be placed again in Clerical Gr. I with effect from 1-1-1986. His pay in clerical Gr. I with effect from 1-1-86 shall be notionally fixed as if he had not been demoted to clerical Gr. II and appears for the period from 1-1-86 onwards shall be paid within one month from the date of the award. No arrears for the period from 20-8-83 to 31-12-85 will be payable to Sri Mateen during which period he was demoted to clerical Gr. II

2. It was also agreed by the parties that Shri Mateen will be paid arrears of wages from 1-1-83 to 19-8-83 on account of fixation in NCWA III in clerical Gr. I after adjusting the amount already paid

3. This agreement shall not be treated as a precedent for any other case.

4. This fully and finally resolves the dispute pending before C.G.I.T. vide the reference quoted above.

5. The parties agree to file the compromise settlement before the Presiding Officer, C.G.I.T. and request for an award in terms of the settlement."

Counsel for both the parties have stated on 13-8-90 that the case has been settled in the year 1986 and settlement implemented."

5. I have gone through the above terms of settlement. The terms of settlement appear to be just and proper. I therefore record my award in terms of the settlement arrived at between the parties on 2-9-1986, photo copy of which is on record, which according to the parties have already been implemented. However, if there is anything remained to be implemented in terms of settlement it should be done within one month from the date of the award. Award is made accordingly. No order as to costs.

V. N. SHUKLA, Presiding Officer

[No L-22012/3/84-D.V(B)]

का. मा. 2559.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार बनसरा कुलारी मै. ई. सी लिमिटेड के प्रबन्धतन्त्र के नवाजकों और उनके कर्मकारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केंद्रीय सरकार आयोगिक आधिकरण आसनसोल के के पंच-ट का प्रकाशित करती है, जो केंद्रीय सरकार का 5-9-90 का प्राप्त हुआ था।

S.O. 2559.—in pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bansra Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on the 5-9-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 34/89

PARTIES.

Employers in relation to the Management of Bansra Colliery of M/s. E.C. Ltd.

AND

Their workman.

APPEARANCES :

For the Employers—Shri P. Banerjee, Advocate.

For the Workman—Shri C. S. Mukherjee, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 28th August, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(13)/89-IR(C-II) dated the 18th July, 1989.

SCHEDULE

"Whether the action of the Management of Bansra Colliery of E.C. Ltd. in denying upgradation to Sri Manager Singh, Bill Clerk w.e.f. 7-10-83 is justified? If not, to what relief the concerned workman is entitled?"

2. In this case according to the terms of the order of Reference we are to consider "whether the action of the management in denying upgradation to Manager Singh, Bill Clerk w.e.f. 7-10-83 is justified". But in fact the workman challenged the order of punishment by which he was revert-

of the post of lower grade. So the basis of the order of Reference the workman cannot get appropriate relief as claimed by him.

3. The Union has filed a petition for withdrawal of the case with a leave to raise fresh dispute

4. Considering the facts and circumstances of the present case, I find that the ground taken in the petition by the Union is well founded. So the prayer for withdrawal of the case is allowed and a no dispute award is passed in this case. But the workman will be at a liberty to raise a fresh dispute challenging his order of punishment.

This is my award

N. K. SAHA, Presiding Officer

[No. L-22012/13/89-IR(C-II)]

by Sri P. K. Das on behalf of the management stating that the dispute has been amicably settled and a no dispute award may be passed. Sri Manoj Mukherjee the learned Advocate for the workman has made endorsement 'no objection' on the said petition.

3 In the circumstances the Court has no other alternative but to pass a 'no dispute' award and according a no dispute award is passed.

N. K. SAHA, Presiding Officer.

[No. L-22012/69/90-IR(C-II)]

अदेश

नई दिल्ली 12 मई 1990

का. अ. 2560.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लोवर केंडा कुलारी मै. ई. सी. लिमिटेड के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसन्सोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

S.O. 2560.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 5-9-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference no. 32/90.

PARTIES :

Employers in relation to the Management of Lower Kenda Colliery of M/s. Eastern Coalfields Ltd.

AND

Their workman.

APPEARANCES :

For the Employers—Shri P. K. Das, Advocate

For the Workman—Shri Manoj Mukherjee, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 27th August, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(69)/90-IR(C.II) dated the 26th July, 1990.

SCHEDULE

"Whether the action of the management of Lower Kenda Colliery of M/s. E.C. Ltd. P.O. Bohula, Dist. Burdwan in dismissing Shri Mona Majhi, Underground Tramman w.e.f. 18-4-1986 is justified? If not, to what relief is the concerned workman is entitled?"

2. Shri P. K. Das the learned Lawyer for the management and Sri Manoj Mukherjee the learned Advocate for the workman are present. At this stage a petition is filed

का. अ. 2561.—वैस्टर्न कोलफील्ड्स लिमिटेड. के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मचारों के बीच, जिनका प्रतिनिधित्व—राष्ट्रीय कोयला खादान मजदूर संघ (इंटक) करती है, एक औद्योगिक विवाद विद्यमान है,

और उक्त नियोजकों और उनके कर्मचारों ने न औद्योगिक विवाद अधिनियम, 1947 (1947) का 14 की धारा 10-क की उपधारा (1) के अधीन एक निश्चित करार द्वारा उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यम्यम के लिए निवेष्टित करने का करार कर लिया है, और उक्त माध्यम्यम करार की एक प्रति केन्द्रीय सरकार को भेजी गई है।

अतः अब, उक्त अधिनियम, की धारा 10-क की उपधारा (3) के अनुसरण में, केन्द्रीय सरकार उक्त माध्यम्यम करार का, पत्रद्वारा प्रकाशित करती है।

(करार)

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले :—

1. डा. एस. बी. कटियार, आतिथिक सी. पी. एम. एम. ई. सी., एल. पंच एरिया डी मैन्वाइ कामिक

प्रबन्धक डब्ल्यू. सी. एल. का नहान एरिया कर्मचारों का प्रतिनिधित्व करने वाले

भोसू बिहू ठाकुर, प्रेजिडेंट

आर. के. के. एम. एस. (इंटक)

पंच काहाण एरिया

हस्ताक्षर

गणेश्याम सिंह, जस्टिस सैक्रेटरी

आर. के. के. एस. एम. (इंटक)

पंच-काहाण एरिया

ह. सी भट्टाचार्यजी, सैक्रेटरी
आर के के एम एस
(इंटक)
पेंच कानहान एरिया
हस्ताक्षर
जखर खान, सैक्रेटरी,
आर के के एम एस (इंटक)
पेंच-कानहान एरिया

मध्यस्थ की सहमति

एम. जी. वानरे,
केन्द्रीय श्रम सेवा,
उप मुख्य श्रम आयुक्त (के)
सेवा निवृत्त भागन सरकार,
श्रम मंत्रालय

62, फीडस कालोनी

काटोल रोड़,

नागपुर-440013

8 दिसम्बर, 1989

निदेशक (पी)

वैस्टर्न कोलफील्ड्स लिमिटेड,

कोल इस्टेट,

सिविल लाइन्स, नागपुर-440001

महोदय,

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री एम जी वानरी भूतपथ उप मुख्य श्रम आयुक्त (केन्द्रीय) (श्रम सेवा निवृत्त) 62 फीडस कालोनी काटोल रोड़ नागपुर के माध्यस्थ के लिए निदेशित करने का करार किया गया है।

विनिर्दिष्ट विवाद ग्रस्त विषय

“क्या आर के के एम एस की यह मांग बंध और न्यायोचित है कि पेंच और कानहान एरिया के कर्मकारों को 23-9-1988 से 26-9-1988 की हड़ताल अवधि के दौरान मजदूरी कौ प्रदायगी का जाए? यदि; हां, तो वे किस अनुतोप के हकदार हैं।

(ii) विवाद के पक्षकारों वैस्टर्न कोलफील्ड्स लि. का का विवरण, जिसमें अंत-पेंच और कानहान एरिया, बलित स्थापन या और कानहान एरिया या उपक्रम का नाम और मध्य प्रदेश या पता भी सम्मिलित हैं। और

आर. के. के. एम. एस. (इंटक)
पेंच और कानहान एरिया,
मध्य प्रदेश

(iii) कर्मकार का नाम आर. के. के. एम. एस. (इंटक) यदि वह स्वयं विवाद में पेंच और कानहान एरिया, अन्तर्गत है या यदि कोई संघ प्रश्नगत कर्मकारों को प्रतिनिधित्व करता हो तो उसका नाम डब्ल्यू सी एल.

(4) प्रभावित उपक्रम में पेंच एरिया—13917 नियोजित कर्मकारों की कानहान एरिया—12876 कुल संख्या

(5) विवाद द्वारा प्रभावित या सम्भाव्यतः प्रभावित होने वाले कर्मकारों की 75 प्रतिशत प्राक्कलित संख्या

मध्यस्थ अपना पंचाट तीन मास की कालावधि या हस्तने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा घटाया जाय, देगा। यदि पूर्व वर्णित कालावधि के भीतर पंचाट नहीं दिया जाता तो माध्यस्थ के लिए निदेश स्वतः रद्द हो जायेगा और हम गैर माध्यस्थ के लिए बात चीत करने स्वतंत्र होंगे।

विषयः—फार्म “ग” दिनांक 8-12-1989 में करार के तहत पेंच और कानहान एरिया प्रबन्धतंत्र और उनके कर्मकारों, जिनका प्रतिनिधित्व आर. के. के. एम. एस. (इंटक) पेंच और कानहान क्षेत्रों द्वारा किया जाता है के बीच औद्योगिक विवाद अधिनियम, 19 की धारा 10—क के अधीन माध्यस्थम मानना।

मै. औद्योगिक विवाद अधिनियम, 1947 की धारा 10—क के अधीन डब्ल्यू. सी. के पेंच तथा कानहान एरिया के प्रबन्धतंत्र और कर्मकार जिन प्रतिनिधित्व आर. के. के. एम. एस. (इंटक) पेंच तथा कानहान एरिया डब्ल्यू. एल. करती हैं, के बीच दिनांक 8-12-1989 के फार्म “ग” में करार के अन्तर्गत मध्यस्थ के रूप में काम करने की अपनी सहमति देता हूँ

सधन्यवाद

भवदीय,

ह/- एम जी वानरे
उप मुख्य

उप मुख्य श्रम आयुक्त (के)
(सेवा-निवृत्त)

पक्षकारों के हस्ताक्षर

नियोजक का प्रतिनिधित्व
करने वाले :

हस्ताक्षर

एस बी कतियार, अतिरिक्त
सीपी. डब्ल्यू. सी.
एल. पेंच एरिया

हस्ताक्षर

डी. मेवाड़, कार्मिक, प्रबन्धक
डब्ल्यू. सी. एल., कानहान
एरिया

कर्मचारों का प्रतिनिधित्व

करने वाले :

हस्ताक्षर
भोलू सिंह ठाकुर
प्रेजीडेंट, आर. के. के. एम.
एस. (इंटक)

पेंच और कामहान एरिया

हस्ताक्षर
राधे श्याम सिंह
जनरल सेक्रेटरी
आर. के. के. एम. एस. (इंटक)
पेंच कामहान एरिया

हस्ताक्षर
सी. भट्टाचार्य, सैक्रेटरी
आर. के. के. एम. एस. (इंटक)
पेंच कामहान एरिया

हस्ताक्षर
जम्बर खान, सेक्रेटरी,
आर. के. के. एम. एस. (इंटक)
पेंच कामहान एरिया
[मं. एल. 22025/2/90आई
आई आर सी—II]
राजा लाल, डेस्क अधिकारी

ORDER

New Delhi, the 12th September, 1990

S.O. 2561.—Whereas an industrial dispute exists between the employers in relation to the Management of Western Coalfields Ltd. and their workmen represented by Rashtriya Koyala Khadan Mazdoor Sangh (INTUC).

And whereas, the said employers and their workmen have by a written agreement under sub-section (1) of Section 10A of the I.D. Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement.

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

Representing employer : Sd/-
S.B. Kattiyar, Addl. CPM, WCL
Pench Area
Sd/-
D. Mewar, Personnel Manager
CL, Kanhan Area
Representing workmen Sd/-
Bholu Singh Thakur,
President, RKKMS (INTUC)
Pench Kanhan Area
Sd/-
Radheyshyam Singh,
General Secretary, RKKMS
(INTUC), Pench-Kanhan Area

Sd/-
M Bhattacharjee, Secretary
(RKKMS) (INTUC), Pench-
(Pench-Kanhan Area)

Sd/-
Jabbar Khan Secretary, RKKMS
(INTUC), Pench-Kanhan Area

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri M. G. Wanre, Ex. Dy. Chief Labour Commissioner (C) (now retired), 62, Friends Colony, Katol Road, Nagpur.

Specific matters in dispute :

"Whether the demand of RKKMS for payment of wages to the workmen of Pench and Kanhan Area for the period of strike from 23-9-88 to 26-9-88 is legal and justified? If so, to what relief they are entitled?"

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved—

Management of Western Coalfields Ltd, Pench and Kanhan Areas of Madhya Pradesh

AND

RKKMS (INTUC) of Pench and Kanhan Areas of Madhya Pradesh.

(iii) Name of the workman in case he himself is involved in the dispute or the name of the Union, if any representing the workmen or workman in question.

(iv) RKKMS (INTUC) Pench and Kanhan Areas of WCL total number of workmen employed in the undertaking affected;

Pench Area : 13917
Kanhan Area : 12876

(v) Estimated number of workmen affected or likely to be affected by the dispute :

Around 75%

The arbitrator(s) shall make his (their) award within a period of three months (here specify the period agreed upon by the parties) or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

CONSENT OF THE ARBITRATOR

M. G. Wanare
Central Labour Service
Deputy Chief Labour Commissioner (C)
Retd.
Government of India, Ministry of Labour

62, Friends Colony
Katol Road.
Nagpur-440013.
8th December, 1989

The Director(P)
Western Coalfields Limited.
Coal Estate,
Civil Lines
Nagpur-440001.
Dear Sir,

Sub: Arbitration case under Sec. 10A of the Industrial Disputes Act, 1947 between the management of Pench and Kanhan Areas of WCL and workmen represented by RKKMS (INTUC) Pench and Kanhan Areas vide agreement in form 'C' dated 8-12-1989.

I hereby give my consent to act as Arbitrator under Sec. 10A of the Industrial Disputes Act, 1947 under agreement in form 'C' dated 8-12-1989 between the management of Pench and Kanhan Areas of WCL and workmen represented by RKKMS (INTUC) of Pench and Kanhan Areas of WCL.

Thanking you,

Yours faithfully
(Sd/-)

(M. G. Wanarc)

Dy. Chief Labour Commissioner (C)
(Retd.)

Signature of the parties

Sd/-

Representing employer : S.B. Katiyar, Addl. CPM, WCL,
Pench Area

Sd/-

D. Mewar, Personnel Manager,
WCL Kanhan Area

Representing workmen :

Sd/-

Bholu Singh Thakur
President, RKKMS (INTUC)
Pench & Kanhan Area

Sd/-

Radhey Syam Singh
General Secretary,
RKKMS (INTUC),
Pench-Kanhan Area

Sd/-

C. Bhattacharjee, Secretary
RKKMS (INTUC),
Pench-Kanhan Area

Sd/-

Jabbar Khan, Secretary, RKKM
(INTUC), Pench-Kanhan Area

Witnesses :

1. Sd/

2. Sd/

[No. L-22025(2)/90-IR(C.H)]

का. आ. 2562.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसूचि में, केन्द्रीय सरकार चिरिमिरी कोलरी आफ वेस्टर्न कोल फील्ड्स लिमिटेड वेस्ट चिरिमिरी कोलरी के प्रबन्धन के संबंध निोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, व अम न्यायालय, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-90 को प्राप्त हुआ था।

S.O. 2562.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial dispute between the employer in rela-

tion to the management of Chirimiri Colliery of Western Coal Fields Ltd., Chirimiri Colliery and their workmen, which was received by the Central Government on the 11-9-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL-CUM-LABOUR COURT,

JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(99)/1985

PARTIES :

Employers in relation to the management of Chirimiri Colliery of Western Coalfields Limited, P.O. Chirimiri Colliery, District Surguja (M.P.) and their workman, Shri K. C. Borai, Pay Loader Grade III, represented through the Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), Chirimiri, P.O. Chirimiri Colliery, District Surguja (M.P.).

APPEARANCES :

For Workman.—Shri R. C. Shrivastava,
Advocate.

For Management.—Shri P. S. Nair, Advocate.

Industry : Coal Mining District : Surguja (M.P.)

AWARD

Dated : September 3rd, 1990

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(14)/85-D.V dated 6th November, 1985, for adjudication of the following dispute :—

"Whether the dismissal of Shri K. C. Borai, Pay Loader Grade III of Chirimiri Colliery from 7-10-1983 by the Dy. Chief Mining Engineer, Chirimiri Colliery, Post Chirimiri Colliery, District Surguja (M.P.) vide letter No. WCL/CC/CS/83/15823-32 dated 7th October, 1983 is justified? If not, to what relief the workman is entitled?"

2. Undisputed fact of the case are that the workman concerned, Shri K. C. Borai, was working as Pay Loader Grade III in Chirimiri Colliery of M/s. W.C. Ltd. He was charge-sheeted vide Charge-sheet dated 3-9-1983 for assaulting Shri A. K. Sinha, Under Manager. Enquiry was held and the workman was found guilty and he was dismissed from service vide order of the management dated 7-10-1983. Simultaneously the workman was prosecuted and challan was put up against him in regard to the same charge. He was, however, acquitted by Shri P. P. Tiwari, Judicial Magistrate, First Class, Mahendragarh, in Criminal Case No. 832 of 1983.

3. While challenging the validity of the enquiry the workman stated that he has been falsely implicated in the said case due to malice. While according to the management, the workman was rightly charged. The enquiry was properly held and he was rightly dismissed for his alleged misconduct of assaulting Shri A. K. Sinha and threatening him to death. I need not go into the details of the pleading challenging the validity of the enquiry because my predecessor vide his order

dated 16-7-1987 held that the enquiry is bad in law. Accordingly, it was set aside and the parties were directed to produce documents and evidence before this Tribunal to prove misconduct of the workman concerned.

4. Following issues were framed by my learned predecessor and my findings are recorded against each of them :—

ISSUES

- | | |
|---|--|
| 1. Whether the enquiry is proper and legal ? | Already answered in the negative vide order of my predecessor dated 16-7-1987. |
| 2. If not, whether the termination of the workman is justified on facts of the case | Yes. |
| 3. Whether the punishment awarded is proper and legal ? | Yes. |
| 4. Relief and costs ? | The workman is not entitled to any relief. No costs. |

FINDINGS :

5. Issue No. 1.—So far the Issue No. 1 is concerned it has already been answered in the negative, by my learned predecessor vide his order dated 16-7-87.

6. Issue Nos. 2 to 4.—Management has proved all the documents of the domestic enquiry Ex. M|1 to Ex. M|43 and has examined Shri A. K. Sinha as M.W. 1, Asharam M.W. 2 and Mohit Ram M.W. 3 in support of the case of the management. While the workman on his part has examined himself as M.W. 1 and filed certified copy of the Judgment of Judicial Magistrate, First Class, Mahendragarh, in Criminal Case No. 832/1983. He has also proved the statement of Asharam before the Judicial Magistrate which is Ex. W|1.

7. Facts relating to the acts of misconduct as per report Ex.M|43 & charge as per Ex.M|42 are as under :—

Report dated 3-9-1983 (Ex. M|43) by Sh. A. K. Sinha

“Today i.e. on 3-9-1983 I was on duty in the 1st shift, after arranging work in the Crusher and making my routine inspection there I was returning back towards the siding, when I came near the Tipper loading point of the Belt Conveyor attached to the Crusher Plant, Shri K. C. Barai, a Terex Operator who had been suspended on the previous day by you for his misconduct/misbehaviour etc. came towards me and suddenly caught hold of my collar and gave me a big jerk. With this jerk I fell down on the ground. Sri Barai then sat on my chest and he started slapping me badly.

Some persons all of whom in the heat of the moment I could not recognise came and removed Sri Barai from me and saved me. I could only recognise Sri Mohitram and Sri Asharam, GG Man, attached to the siding who helped me in saving me from Sri Barai.

I would request you to kindly take necessary action against Sri KC Barai, Terex Operator, as it is very difficult to perform our duties if such incidences occur with us.”

Charge against Shri K. C. Barai (Ex.M|42)

It has been reported that to-day i.e. on 3-9-1983 at about 10.30 AM you went to the Crusher Plant though you had no work there where Sri A. K. Sinha, Under Manager, Chirimiri Opencast Mine was doing the inspection job. After finishing the inspection work when Sri Sinha was coming back towards the Screening Plant you caught Sri Sinha, Under Manager of his collar and gave him a jerk and made him fall down on the ground. When Sri Sinha fell down on the ground you sat on his chest and started slapping him. However, at the interference of other workers Sri Sinha was somehow saved.”

8. Having gone through the judgment of the Judicial Magistrate, First Class, I find that he was charge-sheeted for committing offence under Sec. 341, 323 and 506(B) I.P.C. (Facts relating to D.E. & prosecution of workman are little different). He was acquitted by the Lower Court mainly on two grounds, firstly that the eye witness Asharam has not corroborated the testimony of the complainant A. K. Sinha, and that earlier there were no good relations between the complainant and the accused Mohit Ram who was another eye witness in the report Ex.M|43 and was examined on same day, was however, not examined before the Criminal Court.

9. Before dealing with the evidence of misconduct produced before this Tribunal I must distinguish the fact that the burden of proof in the criminal case is much severe than in the enquiry matter. (See also discussions of my learned predecessor in his order dated 16-7-1987). This is a material distinguishing feature which has to be kept in mind while assessing the evidence adduced before this Court. Some discrepancy here or there does not make the case of management unreliable.

9. Asharam has been examined as M.W.2. It is the same Asharam who has not supported the case of the prosecution before the Criminal Court as I have already pointed out above, but he has corroborated the testimony of M.W.1, A. K. Sinha, before this Tribunal. That apart, M.W.3, Mohit Ram, has also supported the testimony of M.W.1, A.K. Sinha, in material particulars relating to which I will discuss hereinafter.

10. Shri A. K. Sinha (M.W.1) on affidavit states that on 27-8-1983 the workman had reported for duty in the first shift at 8.45 a.m. Since he had reported duty late he was not allowed to do duty by the Shift Incharge. Subsequently he was allowed to do duty on the recommendation of the Senior Executive Engineer and he was permitted to do the duty. This caused annoyance to the workman and he behaved in an indecent manner with him (Para 12 of his affidavit).

11. This witness has further stated in para 10 of his affidavit that on 3-9-1983 at about 10.30 a.m.

while he was returning to the Screening Plant after inspecting the Crushing Plant he noticed that Shri K. C. Borai was coming towards him from the Screening Plant side. According to him, he had already reached near the Trippler Loading point of the Crushing Plant. Here the workman suddenly caught hold of his collar, gave him jerk, pushed him, fell him down and slapped him. He had also abused him in filthy language. He had made complaint in this regard.

12. According to this witness, the workman concerned was annoyed with him because on 27-8-1983 he was marked absent and it is for this reason that he was assaulted by the workman concerned.

13. According to this witness certain mazdoors came down for rescue and saved him. Thereafter he went to the main office and narrated the incident to his Personnel Officer as also made a written complaint to the Mines Manager. All these are on the record of D.E. file.

14. During the cross-examination of this witness, this witness has specifically stated that he had no enmity with the workman. It is true that according to this witness he did not receive any injury though he had fallen down due to the assault of the workman concerned, obviously it is not necessary that the injury may have been caused to him by this assault and for this reason his testimony should not be disbelieved.

15. According to M.W. 2 and M.W. 3, Asharam and Mohit Ram on the relevant time they heard a cry "Kyon Mar Rahe Ho". They turned back and saw that the workman was beating Mr. Sinha and Mrs. Sinha was lying down on the ground. They went to the scene of incident but in the meanwhile people working came there. Now the question is as to what extent the testimony of these witnesses should be believed. I have already pointed out that Asharam did not corroborate the testimony of A. K. Sinha before the Criminal Court hence his evidence is not of much importance. Mohit Ram, however, was not examined before the Criminal Court, but he was examined during these proceedings. Thus merely this witness was not examined before the Criminal Court or because he is a subordinate employee his testimony should not be rejected outrightly. Shri A. K. Sinha has already given reasons for his assault.

16. W.W.1. K. C. Borai, while denying the alleged incident has stated that on the alleged date of incident he was on casual leave because the arm his wife was burnt. While he was going to the hospital to take medicines Mukhyonadha and Goel asked him to sit in his vehicle and took him to the Police Station. He had not assaulted Shri Sinha. This fact he had not given out in the statement during domestic enquiry (para 8 of his deposition). Thus the testimony of Shri A. K. Sinha is sufficient enough to prove the alleged misconduct of the workman concerned which fact has, however, been corroborated by the statement of Mohit Ram. I may express at this juncture that one may tell lie before the Criminal Court to save his colleague because the punishment might have been severe. He may tell the truth

during the domestic enquiry. Hence the testimony of Asharam also should not be rejected outrightly and some weight should be given to it.

17. In any case, the alleged misconduct has been proved by the management before this Court.

18. From the above evidence, it is very clear that it is not only a case of assault to a superior officer but the intention behind it is that his superior officer had marked him absent because he had come late on 27-8-1983. Assaulting a superior officer on this count in public place should be taken seriously and this fact must be kept in mind, if such acts are permitted to happen there would neither be any discipline nor the management would be able to function properly.

19. The workman has failed to point out as to why he was falsely implicated by Shri Sinha. On the other hand, Shri Sinha has given reasons for his assault by the workman concerned.

20. Thus not only the misconduct is proved but looking to the gravity of the misconduct no lenient view can be taken in this matter. Therefore not only the termination of the workman is justified on the facts but also the punishment awarded is proper and adequate. The workman concerned is not entitled to any relief whatsoever. My findings are, therefore, recorded as follows :—

1. The termination of the workman is justified on facts of the case.
2. The punishment awarded is proper and legal.
3. The workman is not entitled to any relief.

21. I accordingly answer the reference as follows :—

That the dismissal of Shri K. C. Borai, Pay Loader Grade III of Chirimiri Colliery from 7-10-1983 by the Dy. Chief Mining Engineer, Chirimiri Colliery, Post Chirimiri Colliery, Distt. Surguja (M.P.) vide letter No. WCL/CC/83/15823-32 dated 7-10-1983 is justified. Workman is not entitled to any relief. No order as to costs.

3-4-1990

V. N. SHUKLA, Presiding Officer

[No. L-22012(14)/85-D.V.]

का.आ. 2563,—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लखीपुर कौल्यरी आफ. मै. ई. सी. एल. के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसंसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-90 को प्राप्त हुआ था।

S.O. 2563.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the Industrial dispute between the employers in relation to the manage-

ment of Lachi Pur Colliery of M/s. E.C.L. and their workmen, which was received by the Central Government on the 10-9-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 24/89

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of
Lachipur Colliery of M/s. E. C. Ltd.

AND

Their Workman.

APPEARANCES :

For the Employers—Sri A. K. Roy, Sr. Personnel Officer.

For the Workmen—Sri Mani Bose, Organising Secretary of the Union.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 30th August, 1990.

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. 22012-(215)/88-D.IV.B dated the 9th June, 1939.

SCHEDULE

“Whether the action of the Management of Lachipur Colliery of M/s. E.C. Ltd., P.O. Kajoragram, Distt. Burdwan in denying the grade of Technical ‘C’ or Clerical Gr. I and payment of difference of wages to Sri Rameswar Prasad Singh, Lamp Cabin Incharge, is justified? If not, to what relief the workman concerned is entitled?”

2. The case of the concerned workman Shri Rameswar Prasad Singh in brief is that he was Junior Cap Lamp Incharge of Lachipur Colliery under M/s. Eastern Coalfields Ltd. Initially he was appointed in the year 1960 as Safety Lamp Mazdoor. In the year 1976 he was given promotion to the post of Junior Lamp Cabin Incharge. Considering his performance he was appointed as Lamp Cabin Incharge on 29-3-74 (Ext. W-1) and in 1976 the management changed his designation from Junior Cap Lamp Incharge to Lamp Cabin Incharge according to said appointment letter. His designation was also changed in pay slips and in other official records. Thereafter he all along worked as Lamp Cabin Incharge. But he was never regularised as Lamp Cabin Incharge and was not paid the difference of pay.

The concerned workman raised a dispute through his union for regularising him in the post of Lamp Cabin Incharge and to pay him difference of wages. The attempts of conciliation before the A.L.C. Rani-guni failed and the matter was referred to the Ministry of Labour, Government of India. In the meantime the concerned workman has been removed from the post of Lamp Cabin Incharge and one Sri K. N. Jha has been appointed as Lamp Cabin Incharge

w.e.f. 3-4-89. So the action of the management is illegal and it has violated the principles of natural justice. It is also submitted by the union that the recommendation of the Departmental Promotion Committee (D.P.C.) is also not according to the principles laid down for the purpose of promotion.

The workman Sri Rameswar Prasad Singh has prayed for regularising him in the post of Lamp Cabin Incharge in the Technical Grade ‘C’ or Clerical Grade-I as recommended by N.C.W.A. (National Coal Wage Agreement).

3. The case of the management in brief is that initially the concerned workman Sri R. P. Singh was a Safety Lamp Mazdoor and was promoted to the post of Junior Cap Lamp Incharge. One Sri C. S. Dey was the Cap Lamp Incharge. The concerned workman Sri R. P. Singh was time to time worked as Cap Lamp Incharge. In December, 1984 Sri C. S. Dey made over charge of Cap Lamp Incharge to the present concerned workman Sri R. P. Singh and he acted as such till the promotion of Sri K. N. Jha to the post of Cap Lamp Incharge according to seniority w.e.f. 3-4-89 as per recommendation of the D.P.C.

4. According to the terms of Reference, we are to consider—

(i) whether denial of the grade of Technical ‘C’ or Clerical Grade-I to Sri R. P. Singh is justified and

(ii) whether the denial of payment of difference of wages of Lamp Cabin Incharge is justified.

5. Let us now take Point No. (i) for determination. Admittedly Sri R. P. Singh was appointed as Safety Lamp Mazdoor and he was promoted to the post of Jr. Lamp Cabin Incharge. It is also admitted that one Sri C. S. Dey was the Cap Lamp Incharge. From Ext. W-1 there cannot be any denial that temporarily Sri R. P. Singh was authorised to work as Cap Lamp Incharge and it cannot be taken as a permanent appointment letter.

In this case both the parties have filed written arguments. It is now admitted that in December, 1984 Sri C. S. Dey made over full charge of the Cap Lamp Incharge to the present workman Sri R. P. Singh and he worked as Cap Lamp Incharge till Sri K. N. Jha joined that post on 3-4-89. It has been claimed from the side of the workman that as of right he has to be regularised in the post of Cap Lamp Incharge as he all along worked as Cap Lamp Incharge. It is clear from the materials on record that the post of Cap Lamp Incharge is a higher post in the Technical Grade ‘C’ or Clerical Grade-I and to be filled up by promotion from the post of Jr. Lamp Cabin Incharge. Considering that aspect of the matter, one cannot claim as of right to get that post without the recommendation of the Departmental Promotion Committee (D.P.C.). In the instant case we find that Sri K. N. Jha has been promoted to the post of Cap Lamp Incharge after the present dispute was raised by Sri R. P. Singh. The question regarding the validity of promotion of Sri K. N. Jha to the post of Cap Lamp Incharge is not the subject matter of the present dispute and Sri K. N. Jha is also not a party to the present proceeding. It has been contended from the side of the employer that there is only one post of Cap Lamp Incharge and Sri K. N.

Jha has been rightly promoted to that post according to the recommendations of the D.P.C.

6. Considering all the materials on record and the facts and circumstances, I find that denial of Technical Grade 'C' or Clerical Grade-I to Sri R. P. Singh as of right is justified as that is a post to be filled up by promotion. The validity of promotion of Sri K. N. Jha cannot be considered in the present case as Sri K. N. Jha is not a party to the present proceeding and moreover the terms of Reference do not confer such power to this Tribunal. So that point is left open. Sri R. P. Singh the concerned workman will be at liberty to raise a fresh dispute challenging the validity of promotion of K. N. Jha.

7. Point No. (ii).—It is admitted that from January, 1985 to 2-4-1989 Sri R. P. Singh acted as Lamp Cabin Incharge taking full charge from Sri C. S. Dey. Admittedly he was not paid wages of the post of Lamp Cabin Incharge. So according to the principles of natural justice Sri R. P. Singh is entitled to get the difference of wages as claimed by him for the period from 1-1-1985 to 2-4-1989.

8. To sum up I hold that the denial of Technical Grade 'C' or Clerical Grade-I to Sri R. P. Singh as of right without the recommendation of the Departmental Promotion Committee is justified. But Sri R. P. Singh will be at liberty to raise fresh dispute challenging the validity of the promotion of Sri K. N. Jha to that post ignoring the claim of Sri R. P. Singh.

Denial of payment of difference of wages to Sri R. P. Singh, Lamp Cabin Incharge is not justified. Sri R. P. Singh, the concerned workman shall be paid difference of wages of the post of Jr. Lamp Cabin Incharge and the post of Lamp Cabin Incharge for the period commencing from 1-1-85 to 2-4-89 since he acted as Lamp Cabin Incharge after taking full charge of the post from Sri C. S. Dey.

9. Before I part with the record, I must say that it is very unfortunate and painful that Sri R. P. Singh was allowed to continue to work in the post of Lamp Cabin Incharge for a considerable period without taking any action to fill up the post by the management through promotion which has caused great hardship of Shri R. P. Singh.

This is my award.
Dated : 30-8-1990.

N. K. SAHA, Presiding Officer.
[No. L-22012(215)88-D-IV(B)]
RAJA LAL, Desk Officer.

नई दिल्ली, 10 सितम्बर, 1990

का. आ. 2564—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 1064 दिनांक 21 मार्च 1990 द्वारा इंडिया गवर्नमेंट मिन्ट, बम्बई को उक्त अधिनियम के प्रयोजनों के लिए 21 मार्च, 1990 द्वारा से छः मास की कालावधि के लिए लोकोपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार को यह है कि लोकहित में उक्त कालावधि को छ मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के उपबंधों द्वारा प्रदत्त शक्तों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 21 सितम्बर 1990 से छः मास की और कालावधि लावाय-योगी सेवा घोषित करता है।

[का.स.एस-11017/3/85-डी-1(ए)]

New Delhi, the 10th September, 1990

S. O. 2564.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision or sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 1064, dated the 21st March, 1990 the India Government Mint, Bombay to be a public utility service for the purposes of the said Act, for a period of six months from the 21st March, 1990;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industrial to be a public utility service for the purpose of the said Act, for a further period of six months from the 21st September, 1990.

[No. S-11017/3/85-DI(A)]

नई दिल्ली, 14 सितम्बर 1990

का.आ. 2565—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि जिस खनन उद्योग में सेवाओं का जिस औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 15 के अंतर्गत निर्दिष्ट किया गया है उक्त अधिनियम के प्रयोजनों के लोकोपयोगी सेवा घोषित किया जाना चाहिए।

अतः अब औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vii) द्वारा प्रदत्त शक्तों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उद्योगों सेवा घोषित करता है।

[सं. एस-11012/9/85-डी-1(ए)(1)]

New Delhi, the 14th September, 1990

S. O. 2565.—Whereas the Central Government is satisfied that the public interest requires that the Zinc Mining Industry, which is covered by item 15 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months

[No. S-11017/9/85-DI(A)(i)]

का.आ. 2566.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा करना अपेक्षित है कि सीस खनन उद्योग को, जिसे औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 14 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (घ) के उपखण्ड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास को कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एन. 11017/9/85-डॉ-1 (ग) (ii)]

नन्द लाल, अवर सचिव

S.O. 2566.—Whereas the Central Government is satisfied that the public interest requires that the Lead Mining Industry, which is covered by item 14 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/9/85-DI(A) (ii)]
NAND LAL, Under Secy.

नई दिल्ली, 1 सितम्बर, 1990

का. आ. 2567.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण केन्द्रीय सरकार इण्डियन बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 10th September, 1990

S.O. 2567.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the Indian Bank and their workmen, which was received by the Central Government.

ANNEXURE
BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 13/87

In the matter of dispute :

BETWEEN

Shri Ravi Shankar Tomar,
239, Mohalla Krishana Nagar,
Bulandshahr.

VERSUS

The Zonal Manager,
Indian Bank,
1-E, Jhandewalan,
Near Naaz Cinema,
New Delhi.

APPEARANCES :

Shri Raghubir Sahai with the workman.
Shri Sahitash Kapoor for the Management.
with Sh. A.K. Sikri.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/113/86-D.II(A) dated February, 1987 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the demand of Shri Ravi Shankar Tomar, Peon for reinstatement by the Management of Indian Bank w.e.f. 17-10-84 with consequential benefits of continuity and wages is justified ? If so, to what relief the workman entitled to ?"

2. Exparte award dated 13-7-89 was passed by Shri G. S. Kalra, the then Presiding Officer, C.G.I.T. and to get it set aside an application was filed by the Management and reply was obtained. The Management wanted time for settlement with the workman. The case was then fixed for 12-7-90 and a settlement was filed by the parties. The settlement is marked 'A'. In view of this settlement the exparte award is set aside and a fresh award on the basis of this settlement mark A is accordingly given. The parties shall remain bound by the terms of settlement mark 'A' and are left to bear their own costs of this dispute. Mark 'A' shall be read as part of this award.
12th July, 1990. GANPATI SHARMA,
Presiding Officer

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Govt. for necessary action at their end.
12th July, 1990.

GANPATI SHARMA, Presiding Officer
[No. L-12012/113/86-D.II(A)]

ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER, C. G. I. T.
NEW DELHI

I. D. No. 13/87

In the matter of dispute :

BETWEEN

Shri Ravi Shankar Tomar Ver. Indian Bank.
Application for passing No Dispute Award.
Respectfully Showeth :

That the parties have settled the aforesaid dispute in the following terms :

1. It is agreed that exparte award be set aside.
2. The Management has agreed to engage freshly against leave vacancy.
3. The bank has panel of persons working on leave vacancy. The name of Shri Ravi Shankar Tomar will be added in that panel and his seniority will reckon from the date of fresh engagement.
4. As per his turn in the said panel his case for regular absorption in the bank shall be considered.
5. Till his regular absorption Shri Tomar will continue to work against leave vacancy.

There will not be any back wages etc.

That in view of the aforesaid settlement no dispute remains between the parties. It is therefore, prayed that No dispute award be passed in this case.
Workman through Representative :

Sd.- (Ravi Shankar)

Sd.- (R. Sahai)

Management through Representative :

1. Sd.- (Illegible)

12th July, 1990.

नई दिल्ली, 11 सितम्बर, 1990

का. आ. 2568.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबन्धतंत्र के संबद्ध नियोजकों और कर्मकारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 11th September, 1990

S.O. 2568.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Bank of Baroda and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 54 of 1988
IN THE MATTER OF DISPUTE :

BETWEEN

The Asstt. Zonal Secretary,
U.P., B.O.B. Employees Union,
C/o. Bank of Baroda, Bahadurganj,
Allahabad.

AND

The Regional Manager,
Bank of Baroda,
Civil Lines Allahabad.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/544/87-D.II(A) dated nil of 88 has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bank of Baroda in not assigning the duties of daffery to Shri Harishanker Misra w.e.f. 29-12-1980 to 30-5-1983 and instead assigning the same to Shri Paramhans Sharma is justified ? If not, to what relief is the workman entitled ?

2. The instant case was fixed for 1-8-1990 for disposal of workman's application for summoning of documents. Shri K. N. Soni, filed his letter of authority to represent the present case. He has been authorised to represent the case by one Shri A. K. Awasthi, office bearer of the Union. The authorised representative for the union moved an application stating therein that the matter of dispute is being settled with the management, through negotiations and as such the Union need not press the case at this stage. The dispute may be decided accordingly.

3. Therefore, looking to the prayer made in the application moved on 1-8-1990, it appears that there remains no dispute. As such the reference is decided in the light of the prayer made in the application.

4. Reference is anwered accordingly.

Dated : 1-8-1990.

ARJAN DEV, Presiding Officer.

[No. L-12012/544/87-D.II(A)]

का. आ. 2569.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन ओवरसीज बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S. O. 2569.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial dispute between the employers in relation to the Indian Overseas Bank and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL AT BOMBAY-1

Reference No. NTB-3 of 1989

PARTIES :

Employers in relation to the Management of
Indian Overseas Bank.

AND

Their workmen.

APPEARANCES :

For the Management : Shri Rele, Advocate.

For the Workmen.—Shri Merchant, Advocate.

INDUSTRY : Banking STATE : Bombay

Bombay, dated the 9th day of August, 1990

AWARD

The Central Government has referred the following industrial dispute to this Tribunal for adjudication under section 10 of the Industrial Disputes Act, 1947 :

“Whether the action of the Management of Indian Overseas Bank in denying a special allowance to its employees for attending to Clearing House duties on the ground that it does not involve supervision is justified ? If not, to what relief are the workmen concerned entitled ?”

2. The workmen have not cared to file their statement of claim to date, though as many as 8 adjournments have already been made for that purpose since December, 1989. Ultimately their learned Advocate Shri Merchant has reported want of instructions today. Obviously the workmen are not interested in prosecuting the reference. Eventually I reject it for want of prosecution, without any orders as to costs.

S. N. KHATRI, Presiding Officer.

[No. L-12011/64/79-B.II(A)]

V. K. VENUGOPALAN, Desk Officer.

का. आ. 2570—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड इंडिया इन्श्योरेंस कंपनी लि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-90 को प्राप्त हुआ था।

S.O. 2570.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial dispute between the employers in relation to the United India Insurance Company Ltd., and their workmen, which was received by the Central Government on 7-9-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated the 31st day of August, 1990

PRESENT :

Shri M. B. Vishwanath, B.Sc., B.L.—Presiding Officer.

Central Reference No. 37/90

I PARTY :

Sh. H. C. Sukumar,
Rep. by the General Secretary,
General Insurance Employees Union,
253, 9th Main Road,
S. R. Nagar,
Bangalore-560 027.

Vs.

II PARTY :

The Regional Manager,
United India Insurance Company Ltd.,
Shankara Narayana Bldg.,
M.G. Road,
Bangalore-560 001.

APPEARANCES :

For the I Party.—Sri A. N. Balasubramanyam,
Joint Secretary of the Union.

For the II Party.—Sri R. Gururajan.—Advocate.

AWARD

By exercising its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act 1947, the Government of India, Ministry of Labour has made the present reference on the following point of dispute vide its Order No. L-17012/12/89-IR.B./B.II dated 25th May, 1990.

POINT OF REFERENCE

“Whether the management of United India Insurance Company Limited, Bangalore, is justified in not regularising the services of Shri H. C. Sukumar, with effect from 12-3-1983? If not, to what relief the workman is entitled to?”

2. After notices of reference were issued to parties, Sri A. N. Balasubramanyam, Joint Secretary of

I Party Union was present on 19-6-1990. On the same day Sri Vijaya Shekar, Law Officer of II party was present. On 19-6-1990, the I party has taken time to file claim statement or effect compromise. Subsequently an Advocate has filed power for the II party. The case has been going on since June till 31-8-1990 (today). In all eight adjournments have been granted to enable the I party to file claim statement. But nobody was present on any of the subsequent hearing dates to represent the I party. The counsel for the II party submitted on 17-8-1990 that the matter has been settled. Even so, the Tribunal granted two more adjournments to enable the I party to file claim statement. But nobody was here to represent the I party.

3. It is obvious that the I party is not interested.

4. From the facts narrated above, it is clear, the Tribunal is helpless, and has no alternative but to reject the reference. Accordingly award is passed rejecting the reference.

Date : 31-8-1990.

M. B. VISHWANATH, Presiding Officer.

[No. L-17012/12/89-IR.B./II]

V. K. VENUGOPALAN, Desk Officer.

का. आ. 2571—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

S.O. 2571.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government on 5-9-1990.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL PANDU NAGAR DEOKI PLACE ROAD KANPUR.

INDUSTRIAL DISPUTE NO. 116 OF 1989.

IN THE MATTER OF DISPUTE BETWEEN THE STATE VICE PRESIDENT

The State Vice President

Punjab National Bank Employees Union,
788 Tilak Road Begun Bridge Meerut City.

AND

Regional Manager,
Punjab National Bank,
E K Road Meerut.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/893/88-D.2(A) dated 6th May, 1938, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Punjab National Bank in reverting Shri VPS Rawat from the post of Head Cashier C and withdrawing the Special Allowance for the same is justified? If not to what relief is the workman entitled ?

2. On 24-4-90, Shri Ramendra Dhvaj, the authorised representative for the workman in his capacity as Vice President of the Union put in an application with the prayer to withdraw the case on the ground that the workman had been given the promotion in cash department and had been further assured of future promotions in the near future. On 7-6-90, the workman appeared and appended his consent on the said application.

3. In view of the said application, the reference has become infructuous.

4. The reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-12012/893/88-D.II(A)]

का. आ. 2672 :—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनाइटेड इण्डिया इन्श्योरेन्स कम्पनी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-90 को प्राप्त हुआ था।

S.O. 2572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the Industrial dispute between the employers in relation to the United India Insurance Company and their workmen, which was received by the Central Government on 4-9-1990.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M. P.)

Case No. CGIT/LC(R)(58)/1990

Employers in relation to the management of United India Insurance Company, Divisional Office, Raipur (M.P.)-492001 and their workman Shri Kailash Yadu C/o Goverdhan Prasad Yedu, Near Brahmanpara Sohag Mandh, Raipur (M.P.)-492 001.

APPEARANCES

For Workman—Shri Nitin Pandharker, Advocate.

For Management—Shri K.L. Raj, Advocate.

INDUSTRY : Insurance Company

DISTRICT : Raipur (M.P.)

AWARD

Dated, the August 27th, 1990

By Notification No. L-17011/33/89-IR(B)-I dated 15th February, 1990 the Central Government, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of United India Insurance Company, Divisional Office, Raipur in terminating the services of Shri Kailash Yedu, Ex-Peon w.e.f. 29th August, 1986 in violation of section 25-F of the Industrial Disputes Act, 1947 is justified? If not, to what relief the workman is entitled ?”

2. Parties were noticed to file their respective statement of claim complete with relevant documents, list of reliance and witnesses etc. Workman filed statement of claim on 22-3-1990. On 10th May, 1990 a letter from the management received intimating was that the case has been amicably settled and the workman concerned has been regularised. The case was therefore fixed for verification of settlement. On 30th July 1990 Shri K. L. Raj, Counsel for Management, appeared and filed an application stating that the workman has been appointed as a regular staff, hence the award may be passed accordingly. None was present on behalf of the workman. The case was therefore closed for passing orders/award.

3. I have gone through the statement of claim filed on behalf of the management. The relevant paras of the statement are as under :—

- “1. That the second party has appointed the first party in the regular staff vide its appointment letter dated 9-4-90 issued by the Regional Office of the second party which is enclosed with this statement.
2. That after appointment in regular staff the first party has withdrawn all his claim against the second party by submitting his application dated 19-4-90, the copy of the application is enclosed.
3. That the General Insurance Employees Union West Zone Bombay of which the first party is a member has also submitted a letter to the second party stating that all the

claims of the first party stands withdrawn in view of the appointment letter issued to the first party by the second party.

4. That in view of the above mentioned facts, there is no claim of the first party exist."

4. On 10-5-1990 Shri P. Nitin, Advocate on behalf of the workman was present. He had also seen the letter of the management that the case has been amicably settled and the workman has been regularised. Thereafter neither the workman nor his Advocate appeared on 12-6-90 and 30-7-1990. It appears that the workman is not interested in prosecuting the case because the parties have settled the dispute out of Court. That being so, I record a no claim award. Parties will bear their own costs.

V. N. SHUKLA, Presiding Officer

[No. L-17011/33/89-IRB.(I)]

का. आ. 2573 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार युनियन बैंक ऑफ इण्डिया के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-9-90 को प्राप्त हुआ था।

S.O. 2573.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Union Bank of India and their workmen, which was received by the Central Government on 5-9-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 67 of 1989

IN THE MATTER OF DISPUTE BETWEEN :

The General Secretary, Union Bank Employees Union, C/o Union Bank of India, 20, Dr. B. N. Verma Road, Aminabad, Lucknow.

AND

Assistant General Manager, Union Bank of India, Hotel Awadh Clark Building, 8. M. G. Marg, Lucknow-226003.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/538/88-D-2(A) dt. 13-5-89, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the Union Bank of India in not converting Shri Gulam Haider to the

post of Armed Guard on regular basis is justified? If not, to what relief is the workman entitled?

2. The industrial dispute on behalf of the workman has been raised by Union Bank Employees Union (hereinafter called as Union).

3. The case of the Union is that the workman was appointed in the Union Bank on regular basis on 15-1-83 as Peon-cum-Watchman. Presently he is working in the Kutchehary Road Branch Ghazipur. The Union alleges that the name of the workman is entered in the Bank's Gun Licence as retainer and his services have been frequently utilised by the bank as Armed Guard, whenever he performs the duties of armed guard he is paid special allowances as per bipartite settlement. According to the Union para 20.18 of the first bipartite settlement the members of the sub staff whose name are registered in the Bank's Licences for Weapons as retainers shall be given preference for filling up vacancies of Armed Guards. In pursuance of the said provisions, the workman represented to the Bank's Central Office, Bombay vide his letter dt. 25-10-85 to appoint him as Armed Guard as there were about 19 clear vacancies in the different branches of the Bank in Distt. Ghazipur. Management, however, did not pay any heed to the request of the workman, although the bank management had at the same time made several new appointments of armed guards. Thereupon the Union took up the cause of the workman. The management then called the workman for interview and as expected declared him unsuitable for the post of armed guard. The management also took the plea that the workman is not an ex-serviceman. The Union alleges that in view of the frequent performance of the duties as armed guard by the workman in the absence of permanent armed guard, the workman could not have been disqualified. As per bipartite settlement, armed guard and watchman both are parts of the watch and ward staff. Therefore both are supposed to qualify the same stages for appointment in the bank. In addition to the 19 clear vacancies referred to above the management appointed armed guard directly at its various branches in Kannur and Lucknow ignoring the claim of the workman. The Union has therefore prayed that management bank be directed to post the workman as Armed Guard from the date of his representation dt. 25-10-85 to the Bank's Central Office Bombay.

4. The management, in defence, have not specifically denied the fact that the workman was appointed in the bank on 15-1-83 as a regular peon-cum-watchman and the fact that presently he is posted at Kutchehary Road Branch, Ghazipur. The management admit that the name of the workman was entered in the Gun Retainer's Licence. However, the management deny that the services of the workman had been frequently utilised as Armed Guard by the Bank. According to the management, the duties of armed guard have been performed by the workman only on very few occasions. The bank management, further plead that the Union has no locus standi in-as-much as para 20.18 of Bipartite Settlement on which the Union is relying does not confer any absolute right on the workman to claim the post of Armed Guard. The said para of the bipartite settlement simply provides for giving preference to the persons whose names are registered as retainer in the licence for weapon. It is

also pleaded by the management that despite the fact that the workman is not an ex-service man he was called for interview on 30-9-86 at Zonal Office Lucknow. He was interviewed by a panel constituted for the purposes of ascertaining his suitability for the post of armed guard as per rules of the bank. However, the members constituting the panel did not find him suitable for the post of armed guard. According to the management there is a lot of difference between a watchman and an armed guard. In fact the bank's action in not appointing the workman to the post of armed guard is perfectly in order and justified.

5. The Union has filed rejoinder but in it nothing new seems to have been alleged.

6. In support of his case the Union has examined Shri O. P. Mishra, its State President and in support of their case, the management have examined Shri S. N. Mehra Personnel Officer of the Bank. I may state here that in para 5 of his affidavit Shri Mishra has referred to filing of two documents, one copy of letter dt. 25-10-85 from the Bank's Central Office Bombay and the second copy of letter dt. 30-1-86 from the Bank's Central Office Bombay to the General Secretary, but both the documents are not found enclosed with the affidavit.

7. In his cross examination Shri Mishra has given the explanation regarding non production of the workman in the witness box. According to him since the dispute between the parties is on a policy matter, it has not been thought necessary to examine the workman as a witness. He has, however admitted that the workman was interviewed by the Interview Board on 30-9-86, and the result of the interview was communicated to the Union within six months of the date of interview.

8. He has further deposed that whenever an armed guard went on leave the workman was given a chance to work as armed guard. He was unable to tell as to for how many days he had worked as armed guard.

9. One thing which becomes clear from the above evidence is that the workman was given duty as Armed Guard only when a permanent armed guard went on leave. In other words, the workman was never appointed as an armed guard on regular basis. Another thing which becomes clear from the above evidence is that on the demand made by the Union on behalf of the workman, the workman was interviewed on 30-9-86 by the Interview Board but he could not qualify in it.

10. The Union relies on the following facts and circumstances in support of the claim of the workman.

1. That some times in leave arrangement the workman had been given duty of an armed guard;
2. that the name of the workman is entered in the gun retainers licence register;
3. that para 20.18 lays down that members of sub staff whose names are registered in the Bank's Licence for weapon as retainer shall be given preference for filling up vacancies of armed guards;
4. that armed guard and watchman both are members watch & ward staff of the bank;

5. that there existed 19 vacancies in different branches of the bank in Ghazipur District; and

6. that the workman should have been appointed as armed guard without undergoing the selection procedure of armed guards mainly on the basis of facts and circumstances mentioned above.

I have given my careful consideration to the arguments of Shri Mishra, in the light of the above facts and circumstances, but I find myself unconvinced on the point that simply on the basis of the above the workman should have been given the post of armed guard. The fact that he got appointment in the bank on regular basis as peon cum watchman goes to show that the two posts one of peon cum watchman and the other of armed guard are quite different. It is even admitted to the Union, vide para 4 of the claim statement that an armed guard gets special allowance which is not admissible to the peon cum watchman. Simply because some occasion he had performed the duties of armed guard in leave arrangement and simply because his name appears in gun retainer's licence register do not mean that he automatically becomes entitled to the post of armed guard. These facts in terms of para 20.18 of the bipartite settlement simply give some weightage at the time of selection by interview Board and nothing beyond that. It is the admitted case of the Union that when the Union took the cause of the workman with the management, the management constituted a Board to interview the workman in order to see whether or not he was suitable for the post of armed guard. The Union has vide para 7 of the claim statement admitted that interview board did not declare him successful. The Union has imputed motives to the interview Board by saying that as expected, the workman was declared disqualified. It is easy to say than to prove. The workman who was interviewed has not appeared in the witness box to prove motive on the part of or the members of the Interview Board. I am not impressed by the argument that there should not have been any selection test by the management in respect of the workman who should have been automatically given the posting as armed guard. For every post there is a selection procedure in order to judge the suitability of a candidate. If a candidate fails and is found unsuitable, he could not claim the post for which test has been held. If the arguments of Shri Mishra is accepted it will lead to a lot of confusion and mismanagement. Any body who has worked in leave arrangement for a few days on a higher post or a post attracting special allowance would come forward and say that because of that he should be permanently posted to that post. Rather being grateful to the management for giving an opportunity to the workman to qualify in the test, the Union is trying to push his candidature by way of back door entry. Hence, I find no force in the case set up by the Union on behalf of the workman.

11. Accordingly, I hold that the action of the Union Bank of India in not converting Shri Gulam Haider to the post of Armed Guard on regular basis is justified. He is therefore, held entitled to no relief.

12. The reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-12012/538/88-D. II(A)]

का. आ. 2574 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-90 को प्राप्त हुआ था।

S.O. 2574.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Ahmedabad as shown in the Annexure in the Industrial dispute between the employers in relation to the Bank of Baroda and their workmen, which was received by the Central Government on 7-9-90.

ANNEXURE

BEFORE SHRI H. D. PANDYA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL) AT AHMEDABAD

Reference (ITC) No. 10 of 1982.

ADJUDICATION :

BETWEEN

The Management of Bank of Baroda, Porbandar.

AND

The workmen employed under it.

In the matter of termination of the services of Shri A. H. Kureshi, Peon in Porbandar Branch.

APPEARANCES :

Shri R. V. Desai, Advocate for the Bank.

Shri G. F. Soni, Advocate for the workman.

AWARD

This industrial dispute between the Management of Bank of Baroda, Porbandar and the workmen employed under it has been referred for arbitration under Section 10(1)(d) of the Industrial Disputes Act, 1947, to Shri G. S. Barot, Presiding Officer, Industrial Tribunal by the Government Order, Ministry of Labour, New Delhi's No. L-12012/164/812. U(A) dated 27th April, 1982 and subsequently transferred to me by appropriate order.

2. The dispute relates to a single demand of the workmen which is as under :—

“Whether the action of the management of Bank of Baroda, Rajkot Region in relation to their Porbandar Branch in terminating the services of Shri A. H. Kureshi, Peon under Order No. STF : 4/187 dated 13-2-1979, is justified ? If not, to what a relief is the workman concerned entitled ?”

3. The workman Shri Alarakha Hasan Kureshi has filed his statement of claim at Ex. 3 in which he has alleged that he was serving as Peon in the first party bank from 2-7-1973. On or about 28-4-1978 he received a Memo in English from the first party Bank

and that the same was replied by the Union representative in English on or about 13-6-1978 stating his position etc. as he being illiterate man. He further alleged that he had not tampered with his savings bank account No. 1588 as the Ledgers etc. do not remain in his possession. He was merely a peon in the bank. Thereafter on or about 7-4-1978 the Manager called him and ordered him to pay about Rs. 200/- as the same was withdrawn over and above the balance in his account failing which he would lose his service. Under this threat for the safety of his service he had no alternative but to deposit Rs. 200/- as ordered by the Manager. He had never tampered with the Ledger and withdrawn more amount shown against his account. At that time Ledger balance shown Rs. 279.65 and the same entry was authenticated by the Presiding Officer. The entry is not in his handwriting nor it could happen at any time. He has his savings account with the Bank and he cannot change in the Ledger as no books remain in his possession. It is not his responsibility to credit or debit in the books. He has further alleged that he had withdrawn Rs. 230/- against his balance of Rs. 279.65 Rs. He has credited Rs. 200/- under undue pressure from the Manager. He has further alleged that on or about 28-6-1978 another memo was issued to him in English which again was shown to him by Union Leader and he was given to understand that his explanation was not accepted by the Manager. These memos are prejudicially manipulated against him and it was the pressure from the Manager to get acceptance from him of the wrongful charge on 6-7-1978 through his Union representative. He had asked for extension of time for submitting his explanation which was not granted and he was not heard also. Thereafter the Manager had taken his signature on paper on which something was written in English and the same was not explained to him in Gujarati. He does not know on what he had signed and hence it is not binding to him. He does not know English. He has further alleged that he came to know that the Manager had dismissed him from the service without giving show cause notice and without giving any chance to defend himself and so he had filed a Civil Suit in the court of the Civil Judge, S. D. for his stay. However, before hearing took place he was dismissed from service and, therefore, he had to amend the suit. In that suit the management took objection that the Civil Court had no jurisdiction to hear such type of cases and hence that case was disposed of and he was directed to go to Labour Court. Thereafter the Desk Officer referred the above industrial dispute to Shri G. S. Barot as Presiding Officer of the Industrial Tribunal for adjudication and subsequently this industrial dispute was transferred to me as stated above for adjudication.

4. The first party Bank filed its written statement at Ex. 6. In this written statement they have denied the allegations made by the workman Shri Kureshi in his statement of claim. They contended that the workman Shri Kureshi had committed fraudulent withdrawal to the extent of Rs. 200/- from his account on 4-2-1978. Thereafter he had deposited Rs. 200/- in cash on 7-4-1978. Shri Kureshi has admitted the guilt and the fraud that he had committed with the Bank. Shri Kureshi had withdrawn Rs. 230/- on 4-2-1978. There was unauthorised alteration in credit entry for Rs. 349.40 and in debit entry for Rs. 260.00 on

31-1-1978. The correct credit balance was Rs. 54.61. On that day the same was altered to Rs. 254.61 and after this fraudulent alteration, the workman Shri Kureshi had illegally withdrawn Rs. 200/-. This alteration was done by Shri Kureshi. They further contended that they had asked for written explanation of Shri Kureshi for the above said fraud vide their letter dated 28-4-1978. Shri Kureshi did not furnish any satisfactory explanation for the above misconduct in spite of several reminders. Shri Kureshi admitted the charges levelled against him in writing on 11-4-1978. Thereafter they terminated the services of Shri Kureshi on the ground of loss of confidence as he had committed fraud with the Bank and misappropriated the said amount. They have terminated the services of Shri Kureshi by way of discharge simpliciter. They have observed the condition precedent to retrenchment. Shri Kureshi has admitted the charges and so it is not obligatory upon them to hold departmental inquiry. However, if the Court comes to the conclusion that departmental inquiry ought to have been conducted then the Court should conduct the departmental inquiry. They, therefore, prayed to dismiss the reference of Shri Kureshi.

5. The workman Allarakha Hasan is examined at Ex. 20. He has not examined any other witness. The first party Bank has examined witness Shri Lalitkumar Karunashanker Joshi at Ex. 32. The Bank has also not examined any other witness.

6. I heard the learned Advocate Shri G. F. Soni appearing on behalf of the workman Shri Kureshi and the learned Advocate Shri R. V. Desai appearing on behalf of the first party Bank.

7. Now most of the facts are not in dispute before me, they may briefly be stated as under :—

The workman Shri Kureshi was serving as a Peon in the first party Bank from July, 1973. On or about 28-4-1978 the first party Bank issued a notice to Shri Kureshi alleging that he has fraudulently and unauthorisedly made alterations in the account which was maintained by the Bank which is more particularly known as Ledger. It is alleged that on 31-1-1978 there was credit balance of only Rs. 54.61 in the account of Shri Kureshi and Shri Kureshi altered this entry and it was altered to Rs. 254.61. Thereafter Shri Kureshi withdrew Rs. 230/- from his above account on 4-2-1978. The first party Bank has produced the original Ledger as well as Xerox copy of the Ledger and also original voucher at Ex. 33. Shri Kureshi gave his reply to the above show cause notice on or about 13-6-1978 which is produced at Ex. 21. Thereafter the Bank issued one another memo to Shri Kureshi on or about 28-1-1978 and Shri Kureshi gave reply to this memo on 11 July, 1978 which is produced at Ex. 22. According to Shri Kureshi he does not know English and that the Bank Manager took his signature on the typed paper. However, he has admitted that Ex. 21 and 22 bore his signature. Thereafter on or about 7-4-1978 Shri Kureshi deposited Rs. 200/- with the Bank. Thereafter on or about 1-1-1979 the Bank discharged the services of Shri Kureshi on the ground of loss of confidence. This letter is at Ex. 14/3. In the meantime Shri Kureshi had filed a Civil Suit in the court of the Civil Judge, S. D. Porbandar and had requested Court to grant him injunction. However, in the meantime Shri Kureshi was discharged from service. There-

after the above suit of Shri Kureshi was disposed of by the Civil Judge, S. D., Porbandar on the ground that he had no jurisdiction to hear this suit and he was directed to approach the Labour Court. Thereafter the above industrial dispute was referred for adjudication.

8. Now according to Shri Kureshi when he was discharged from service he was not given any show cause notice nor any departmental inquiry was conducted against him and he was not given any opportunity to defend himself and so the order of discharge is illegal and invalid. He, therefore, urged to reinstate him in service with full back wages. The first party Bank has denied the allegations of Shri Kureshi and they have urged to dismiss the reference of Shri Kureshi.

9. In view of the above contentions of the parties, the following points arise for my determination :—

- (1) Whether Shri Kureshi proves that the Order of discharge from service passed against him is illegal and invalid as alleged ?
- (2) Whether Shri Kureshi proves that he is entitled to reinstatement in service with full back wages as alleged ?
- (3) What orders ?

10. My findings on the above points for the reasons stated hereunder are as under :—

- (1) No.
- (2) No.
- (3) As per order below.

REASONS

11. Now, as stated earlier, Shri Kureshi was serving as Peon in Porbandar Branch of first party Bank from July, 1973. Thereafter on or about 1-1-1979 Shri Kureshi was discharged from service on the ground of loss of confidence. Now, it is the contention of the first party Bank that Shri Kureshi had bank account with them and it bears No. 7588. On 31-1-1978 there was a credit balance of Rs. 54.61 in the account of Shri Kureshi and that Shri Kureshi made alterations in his account which is maintained in the Ledger and he altered the amount of Rs. 54.61 to Rs. 254.61 and thereafter on 4-2-1978 he withdrew Rs. 230/- from his account. Shri Kureshi has denied the above allegations of the Bank. Now the Bank has produced the original Ledger account of Shri Kureshi which is on page 344-45 of the Ledger Book. Now it can be seen from this Ledger that on 31-1-78 there was balance of Rs. 351.01 in the account of Shri Kureshi. On that day on 31-1-1978 Shri Kureshi withdrew Rs. 260/- from his account and, therefore, there was balance of Rs. 91.01. On the same day i.e. on 31-1-1978 the amount of Rs. 36.40 was transferred from the account of Shri Kureshi to Loan Account and so there was balance of Rs. 54.61 in the account of Shri Kureshi. However, the figure '2' was placed before the amount of Rs. 54.61. So even though the balance was Rs. 54.61 the alteration was made in the account of Shri Kureshi by placing 2 before 54.61 and the balance was made as Rs. 254.61. Thereafter on 2-2-1978 Rs. 24.95 was credited to

the account of Shri Kureshi and the so there was balance of Rs. 279.56 in the account of Shri Kureshi. Thereafter on 4-2-1978 Shri Kureshi withdrew Rs. 230/- from his above account. The withdrawal slip is at Ex. 23. Thus there was only Rs. 54.61 as balance in the account of Shri Kureshi on 31-1-1978. However, the said sum was altered as Rs. 254.61 and thereafter on 4-2-1978 Shri Kureshi withdrew Rs. 230/- from his account. Now according to the first party Bank Shri Kureshi was serving as a Peon at the material time and he made the above alteration in his account which was maintained in the ledger and withdrew the amount of Rs. 230/- on 4-2-1978. As stated hereinabove Shri Kureshi has denied the charges or contentions of the Bank.

12. Now as stated earlier, the Bank had given the notice to Shri Kureshi on or about 28-4-1978. The above notice is not on record. However, Shri Kureshi gave reply to this notice on 13-7-1978 which is at Ex. 21. It can be seen from the above reply Ex. 21 given by Shri Kureshi that he had narrated many facts requesting the Bank to grant mercy and he had craved for mercy. He has also requested to consider the whole matter with utmost sympathy and to decide his fate. Thus, Shri Kureshi admitted the charges levelled against him and pleaded guilty. Thereafter, Shri Kureshi has redeposited Rs. 200/- in cash on 7-4-1978 in his account. Thus Shri Kureshi had admitted his guilt. Furthermore, on or about 28-6-1978 the Bank had also sent another memo to Shri Kureshi and Shri Kureshi had given his reply on 11-7-1978 at Ex. 22 confessing the charges and pleading guilty. Thus from the above two replies Ex. 21 and Ex. 22 it is very clear that Shri Kureshi admitted the charges levelled against him. However as stated earlier, Shri Kureshi has come with the case that the Manager had called him and ordered him to pay Rs. 200/- as the same was withdrawn over and above his balance in the account failing which he threatened him to remove him from service. Now, it is in the evidence of Shri Kureshi at Ex. 20 that the above two letters bear his signatures. Now above two replies are in English. However, Shri Kureshi has stated in his cross-examination that he was member of the Union and that he had given reply through union and that the reply was prepared through union and this reply was given as per the advice of the union. Thus Shri Kureshi was the member of the Union and the above two replies even though in English language were prepared after taking advice of the union representative and the same were given through union. Therefore, it is not probable that the Manager might have got the reply typed in the office and thereafter Shri Kureshi might have signed those replies. In view of the above, there is no truth in the allegation of Shri Kureshi that the Manager kept typed reply ready and his signatures were obtained under threat.

13. Furthermore, according to Shri Kureshi he deposited Rs. 200/- because of threat given by the Manager that if he will not deposit the amount, he would be removed from the service. Now as stated above Shri Kureshi deposited the amount of Rs. 200 on 7-4-1978. There is entry to that effect in the account of Shri Kureshi. Now, if the Manager had given the threat, that would have been mentioned by Shri Kureshi in his reply Ex. 21 and 22. The same were given by Shri Kureshi after about two months after

his depositing the above amount. However, there is nothing in reply Ex. 21 or Ex. 22 that the Manager had threatened him to deposit Rs. 200/- in his account and if he will not, he will be removed from the service. It appears that Shri Kureshi had got up the above story in order to get reinstatement with full back wages in the reference.

14. Thus it is evident from the above evidence on record that on 31-1-1978 there was only balance of Rs. 54.61 in the account of Shri Kureshi. However, Shri Kureshi altered the book and the above amount of Rs. 54.61 was altered by adding figure & before Rs. 54.61, and made the balance amount of Rs. 254.61 and thereafter on 4-12-1978 he withdrew the money from the account. Shri Kureshi had admitted the above charges in his replies Ex. 21 & 22. Thus Shri Kureshi had made the above alterations in his account maintained in the Ledger of the first party Bank and thereafter he withdrew the amount of Rs. 230/-.

15. It is, however, contended by Shri G. F. Soni, the learned Advocate for the workman that the first party Bank has not given any show cause notice to Shri Kureshi nor they have held any departmental inquiry against Shri Kureshi and so the order of termination which is issued by the Bank on the ground of the above misconduct is illegal and invalid. Now it is true that the Bank has not held any departmental inquiry against Shri Kureshi. However, as stated earlier, the Bank has given notice in respect of the above misconduct. Shri Kureshi has given reply to this notice vide Ex. 21 and thereafter Shri Kureshi replied to another memo of the Bank vide Ex. 22. Thus the Bank has given show cause notice in respect of the above misconduct to Shri Kureshi and Shri Kureshi had given reply to it. Shri Kureshi had in so many words admitted the charges levelled against him in his reply Ex. 21 and 23. Therefore, in my opinion no departmental inquiry is required to be held against Shri Kureshi as he has admitted the charges levelled against him. In the case of K. D. Puri Vs. Union of India and other reported in 1983 II L.L.H. p. 908 it is held that domestic inquiry is necessary only when there is any dispute as to question of fact. If the workman admits allegations made against him then it is not necessary to conduct domestic inquiry. The principles which were laid down in the above decision apply to the facts of the reference before me. In the case before me also Shri Kureshi had admitted the charges levelled against him and, therefore, it was not necessary to hold departmental inquiry against him. Therefore, the contention of Shri Soni that as no departmental inquiry was held against him, the order discharging Shri Kureshi from service is illegal and invalid is without any merits and the same is to be rejected.

16. The learned Advocate appearing on behalf of the first party Bank Shri K. V. Desai has tried to show that Shri Kureshi has been terminated from service for loss of confidence and so it is retrenchment and so it is not necessary to hold any inquiry against him. According to him the Bank has complied with the provisions of Section 25. For the Industrial Disputes Act and, therefore, the order of termination issued against Shri Kureshi is legal and valid. In support of his contention he relied on the case of Shri

Ramchandra Vithuji Kothare Vs. The Industrial Court and another reported in 1985 Lab. I.C. p. 1786. In the abovesaid decision it was held that the termination for loss of confidence is also retrenchment. Now, in the case of Chandu Lal Vs. Management of M/s. Pan American World Airways Inc. reported in (1935) 2 SCC p. 727 a similar question was arose and it was held that termination of service on the ground of loss of confidence is stigmatic and does not amount retrenchment and, therefore, holding of domestic inquiry is a condition precedent. Termination of service without domestic inquiry is illegal. Thus in view of the above settled law by the Supreme Court it is crystal clear that termination of service on the ground of loss of confidence is stigmatic and it does not amount to retrenchment and, therefore, the domestic inquiry has to be held before the workman is discharged on the ground of loss of confidence. Therefore, there is no merits in the above contention of Shri R. V. Desai and so it has to be rejected. In the case before me as stated earlier, the departmental inquiry was not held against Shri Kureshi. However, as stated earlier, he has admitted the charges levelled against him and it was not necessary to hold any departmental inquiry against him.

17. Thus Shri Kureshi altered the balance amount in his account which was in the Ledger of the first party Bank. He altered the figure by placing 2 before Rs. 54.61 making it as Rs. 254.61 and thereafter he withdrew Rs. 230/- on 4-2-1978. He fraudulently altered the above amount in the Ledger in order to misappropriate the amount of the Bank. He has admitted the charges levelled against him and thereafter he was discharged from service on the ground of loss of confidence. The discharge order passed by the Bank is, therefore, legal and valid. Shri Kureshi has, therefore, not proved that the order of discharge from service passed against him is illegal and invalid.

18. Now, the order of discharge from service passed by the first party Bank against Shri Kureshi is legal and valid and, therefore, Shri Kureshi is not entitled to reinstatement and back wages. It is, however, contended by Shri G. F. Soni, the learned Advocate appearing on behalf of Shri Kureshi that the order of termination of Shri Kureshi passed by the first party Bank is very harsh and that looking to the circumstances on record, he should be awarded lesser punishment. He relied on Section 11-A of the Industrial Disputes Act, 1947, for this purpose. He also relied on the case of S. M. Sharma Vs. South Gujarat University reported in Vol. XXIII (1) 1982 (1) G.L.R. page 233. Now, before I discuss the merits of this contention it is better to refer the provisions of Section 11-A of the Industrial Disputes Act. Section 11-A of the Industrial Disputes Act which is material for our purpose is as under :—

“11A. Where an industrial dispute relating to discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge, or dismissal was not justified, it may, by its award, set aside order of discharge, or dismissal and

direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require;

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter.”

19. Thus it is evident from the above provisions of Section 11A that where an industrial dispute relating to the discharge or dismissal of a workman has been referred to Tribunal etc. and in the course of adjudication proceedings the Tribunal is satisfied that the order of discharge or dismissal was not justified then it may by its award set aside the award of discharge or dismissal and direct the reinstatement of the workman on such terms and conditions, if any, it deems fit and give such another relief to the workman including the award of lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.

20. In the case of S. N. Sharma, *supra*, Gujarat High Court has narrated the factors to be taken in to consideration in imposing penalty. It was held that reformative and curative technology are also part of penalty procedure. Now in the above cited case the student had committed malpractice in the examination. In that case the question arose as to what penalty should be imposed on the student and in that case the Gujarat High Court had narrated factors to be taken into consideration in imposing penalty and other observations were made.

21. Now, in the case before me Shri Kureshi was serving as a Peon since the year 1970 in the first party Bank. As stated earlier, he fraudulently altered the amount in his own account in the Ledger of the first party Bank. He altered the figure from Rs. 54.61 to Rs. 254.61 and thereafter he withdrew Rs. 239/- from the Bank. Thus, intention of Shri Kureshi in altering the amount is very clear. He has not only committed fraud on the Bank. He has also misappropriated the amount of the Bank. Now if such a person is again reinstated in the Bank then not only his account would be unsafe but the accounts of other customers would also be at risk. Such a person who has a criminal mind cannot be reinstated more particularly in a Bank where thousands of rupees are deposited and withdrawn by the customers. Therefore in my opinion, the order passed by the Bank in discharging Shri Kureshi from the Bank is legal and valid and this order is neither harsh nor disproportionate looking to the misconduct committed by him. Therefore, there is no merits in the contention of Shri Soni that Shri Kureshi should be awarded lesser punishment and so I reject this contention.

22. Thus, it is evident from the above discussion that Shri Kureshi is not entitled to reinstatement with back wages. Shri Kureshi has not proved that he is

entitled to back wages. I, therefore answer point Nos. 1 and 2 in the negative.

23. In view of the above, the reference is dismissed. No. order as to costs.

Ahmedabad.

Date. 9th August, 1990.

H. D. PANDYA, Presiding Officer

[No. L-12012/64/81-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

नई दिल्ली, 11 सितम्बर, 1990

का. आ. 2575 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एनडूआर 16-9-90 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध कर्नाटक राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

राजस्व ग्राम का नाम व नगर पालिका सीमा	होबली	तालुक	जिला
चोलानयाकानहल्ली-ग्रुप पंचायत	कमवा	बंगलौर	बंगलौर
चोलानयाकानहल्ली-	उत्तर	शहरी क्षेत्र	

[संख्या एम-38013/20/90-एस. एस. 1]

ए. के. भट्टराई, अवसर सचिव

Dated New Delhi, the 11th September, 1990

S.O. 2575.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th September, 1990 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of Sections 76 and 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Karnataka namely :

Name of the revenue Village of municipality	Hobli	Taluk limits	District
Cholanayakana halli-Group Panchayat	Kamwa	Bangalore-	Bangalore
Cholanayakana halli-	उत्तर	North	Urban-District

[No. S-38013/20/90-SS.I]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 11 सितम्बर, 1990

का. आ. 2576 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल डेरी रिसर्च इन्स्टीट्यूट के प्रबंध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-9-90 को प्राप्त हुआ था।

New Delhi, the 11th September, 1990

S.O. 2576.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Dairy Research Institute and their workmen, which was received by the Central Government on 3-9-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT BANGALORE

Dated, the 29th August, 1990

CENTRAL REFERENCE NO. 20/90

I PARTY

Shri N. Shankar, Munikrishnappa House No. 7, Pattalamma Temple Street Adugodi P.O. BANGALORE-30.

Vs.

II PARTY

The Director National Dairy Research Institute, Southern Regional Station (ICAR) Adugodi BANGALORE-30.

APPEARANCES :

Shri K. Subba Rao; Advocate—For the I Party.
No Representation—For the II Party.

AWARD

This reference has been made by the Hon'ble Central Government, Ministry of Labour by exercising the powers conferred by clause (d) of sub-section (1) and Sub-section (2A) of the Section of the I.D. Act 1947, vide its order No. L-42012/46/89-IR (DU) dated 29-3-1990.

2. The point for determination as per the schedule in the reference is :—

“Whether the action of the management of National Dairy Research Institute, Bangalore in terminating the services of Shri N. Shankar w.e.f. 30-9-1985 is justified ? If not, what relief the concerned workman is entitled to ?”

3. As per the claim statement, the case of the I party workman is that he was appointed as a daily-wage employee by the II party in October, 1983 and he was working at Southern Regional Station, Adu-godi. The I party has stated in the claim statement that for no reason his services were terminated without any show-cause notice or retrenchment compensation. He has averred that he was working sincerely and faithfully. He has prayed that he may be reinstated.

4. It is seen from the Order of Reference that the Hon'ble Central Government has been pleased to issue a notice of reference to the Director of the II party. After the reference was made, this Tribunal has issued two notices by Registered Post Ack. Due to the II party. Hence the service on the II party has been held sufficient.

5. On 17-8-1990, after holding the service on the II party sufficient, the case was posted to 29-8-1990 (today) for evidence. Even today the II party is absent.

6. The evidence of I party has been recorded on 29-8-1990 (today). He has got himself examined and got marked Exs. W-1 and W-2.

7. The I party has stated in his evidence that in 1983 he joined the National Dairy Research Institute as a casual labourer. The II party did not give any appointment order. The I party has stated that he was working in the cultivation department of the II party at Adu-godi, N.D.R.I. The I party has stated that the II party was giving him Rs. 300 per month. The I party has further stated that he worked under the II party continuously for two years. He has stated that he has worked for more than 240 days as casual labourer in a calendar year.

8. The I party has stated in his evidence that the II party terminated his services as a casual labourer in 1985 September for no reason and without issuing any show-cause notice. He has also sworn that the II party did not give him any retrenchment compensation. The I party has stated that he approached the II party Director to take him on duty. But he refused to take him on duty. The I party has prayed for reinstatement and back wages. He has stated that he is now unemployed.

9. I have extracted above the evidence of the I party. The I party has not been cross-examined. Ex. W-1 is the service certificate issued by the Scientist, Incharge Agriculture Section of II party. This is dated 27-8-1984. Ex. W-2 is another such certificate issued by the II party. Ex. W-2 also has been issued by the same person who has issued Ex. W-1. Ex. W-2 is dated 29-11-1985. Exs. W-1 and W-2 clearly show that the I party was working as Casual Labourer continuously and his work was satisfactory. It is further stated in Ex. W-2 that the character and conduct of the I party was good and that he deserved all encouragement. He is found efficient in farm work.

10. It is clear from the evidence of I party and Exs. W-1 and W-2 that the I party has worked continuously for more than 240 days and as per Ex. W-2 he has worked for more than a year, from May 1984

to September 1985. He has not been given one month's notice in writing indicating the reasons for retrenchment as contemplated Under Section 25F (a) of I.D. Act. Nor has he been given fifteen days' average pay as retrenchment compensation as contemplated under Section 25F(b).

11. The Action of the II Party, National Dairy Research Institute, Southern Regional Station (ICAR) Adu-godi in terminating the services of the I party with effect from 30-9-1985 is illegal and is set aside. The II party is directed to continue the services of the I party as a casual labourer with immediate effect. Bearing in mind that II party is not responsible for the delay in disposal of this case, it is not proper to allow full back wages. The I party has stated that he was paid Rs. 300 per month for his casual labour. I am of opinion that if the II party is directed to pay a consolidated sum of Rs. 3,000 (Rupees Three Thousand only) to the I party in lieu of full back wages, ends of justice will be met. Ordered accordingly. Draw up award as stated herein.

(Dictated to the Stenographer, taken down by her, got typed and corrected by me.)
Dt. 29-8-90.

M. B. VISHWANATH, Presiding Officer.

[No. L-42012/46/89-IR(DU)(Pt.)].

नई दिल्ली, 13 सितम्बर, 1990

का. आ. 2577 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 24) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फ्रेश वाटर फिश फार्म बालाभद्रपुरम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-90 को प्राप्त हुआ था।

New Delhi, the 13th September, 1990

S.O. 2577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Fresh water Fish Farm, Balabhadrapuram and their workmen, which was received by the Central Government on 11-9-90.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT :

Sri K. Taranadhi, B. Com., B.L., Industrial Tribunal.

Dated the 27th August, 1990.

Industrial Dispute No. 65 of 1988.

BETWEEN :

The Workman of Fresh Water Fish Farm, Balabhadrapuram, East Godavari District. (A.P.).

AND

The Management of Fresh Water Fish Farm, Balabhadrapuram, East Godavari District. (A.P.).

APPEARANCES :

Sri P. B. Vijaya Kumar, Advocate for the Workmen. ~

M/s. S. Venkata Reddy, C. V. Suryanarayana and S. Subramanyam Reddy, Advocates for the Management.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-42012/15/87-D.II(B), dt. 7-7-1988 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Fresh Water Fish Farm, Balabhadrapuram and their workmen to this Tribunal for adjudication :

“Whether the action of the management in terminating the services of Sri Sathi Subba Reddy is justified ? If not, to what relief the workman concerned is entitled to and from what date ?”

This reference was registered as Industrial Dispute No. 65 of 1988 and notices were issued to the parties.

2. Both parties filed their respective claims statement and counter. The case was posted from time to time and finally on 3-8-1990 both the parties filed a Memo dt. 17-7-1990 to pass an award closing the industrial dispute as the same need not be adjudicated. Hence this Memo may be treated as part and parcel of an award.

3. Hence an Award is passed accordingly. A copy of the Memo is enclosed herewith.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 27th day of August, 1990.

K. TARANADH, Industrial Tribunal.
[No. L-42012/15/87-D.II(B)(Pt.)]
Appendix of Evidence.

NIL

Sarma|

K. TARANADH, Industrial Tribunal

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL AT HYDERABAD

I.D. No. 65 of 1988

BETWEEN :

S. Subba Reddi—Petitioner/Workman.

AND

Scientist-in-charge. (ICAR) Fresh Water Fish Farm, Balabhadrapuram, East Godavari District—Respondent/Management.

MEMO OF WITHDRAWAL FILED BY THE PARTIES

It is respectfully submitted that the above I.D. was filed by the Workman seeking relief of reinstatement.

The management/respondent had filed the counter denying all the allegations and offering a employment to workman as and when his services are required on seasonal basis.

It is further submitted that the workman's case was considered by the management and his name was sponsored by the employment exchange for a regular post in the respondent organisation. The workman was found suitable. The management by its letter No. 2-6/1989 (Admn.) 5602 offered employment to the petitioner. The petitioner has accepted the offer of employment. Under these circumstances and for the said reason of employment of workman in the respondent-organisation, the workman and respondent/management herein prays that this Hon'ble Tribunal may be pleased to pass an award closing the I.D., as the same need not be adjudicated.

Hyderabad.

Dt. 17-7-1990.

Sd/- Illegible
WORKMAN/PETITIONER

Sd/- illegible
MANAGEMENT/RESPONDENT

का. या. 2578 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फ्रेश वाटर फिश फार्म, बालाभद्रपुरम के प्रबन्धतंत्र के संबंध नियोज्जकों और उनके कर्मचारों के बीच, अनुबद्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 11-9-90 को प्राप्त हुआ था।

S.O. 2578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Fresh Water Fish Farm, Balabhadrapuram and their workmen, which was received by the Central Government on 11-9-90.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri K. Taranadh. B. Com., B.L., Industrial Tribunal.

Dated the 27th August, 1990.

INDUSTRIAL DISPUTE NO. 67 OF 1988

BETWEEN :

The Workman of Fresh Water Fish Farm, Balabhadrapuram, E. G. District. (A.P.)

AND

The Management of Fresh Water Fish Farm, Balabhadrapuram, E. G. District. (A.P.).

APPEARANCES

Sri P. B. Vijaya Kumar, Advocate for the Workman.

Saivasri S. Venkata Reddy, C. V. Suryanarayana and S. Subramanyam Reddy, Advocates for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/13/87-D.II(B) dated 7-7-1988 referred the following dispute under Section-10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Fresh Water Fish Farm, Balabhadrapuram and their workman to this Tribunal for adjudication :

Whether the action of the management in terminating the services of Sri Manidada Govindu is justified ? If not, to what relief the workman is entitled to and from what date?"

This reference was registered as Industrial Dispute No. 67 of 1988 and notices were issued to the parties.

2. Both the parties filed their respective claims statement and counter. For enquiry the case was posted from time to time and finally on 3-8-1990 both the parties filed a Memo dt. 17-7-1990 to pass an award closing the industrial dispute as the same need not be adjudicated. This Memo is treated as part and parcel of the Award.

3. Hence an Award is passed accordingly. A copy of the said Memo is appended to this Award.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 27th day of August, 1990.

K. TARANADH, Industrial Tribunal

[No. L-42012/13/87-D.II(B)(Pt.)]

APPENDIX OF EVIDENCE.

NIL

K. TARANADH, Industrial Tribunal.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL AT HYDERABAD

I.D. No. 67 of 1988

BETWEEN :

M. Govind—Petitioner/Workman.

AND

Scientist-in-charge, ICAR, Fresh Water Fish Farm,

Bhalabhadrapuram, East Godavari Distt—Respondent/Management.

MEMO OF WITHDRAWAL FILED BY THE PARTIES

It is respectfully submitted that the above I.D., was filed by the Workman seeking relief of reinstatement.

The management/respondent had filed the counter denying all the allegations and offering employment to workman as and when his services are required on seasonal basis.

It is further submitted that the workman's case was considered by the management and his name was sponsored by the employment exchange for a regular post in the respondent organisation. The workman was found suitable. The management by its letter dt. 2-6-1989 (Admn.) 5598 offered employment to the petitioner. The petitioner has accepted the offer of employment. Under these circumstances and for the said reason of employment of workman in the respondent-organisation, the workman and respondent/management herein prays that this Hon'ble Tribunal may be pleased to pass an award closing the I.D., as the same need not be adjudicated;

Hyderabad,

Dt. 17-7-1990.

Sd/- Illegible

counsel to the workman.

Sd/- Illegible

counsel to Repondent

का. या. 2579 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-90 को प्राप्त हुआ था।

S.O. 2579.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Neemuch and their workmen, which was received by the Central Government on 11-9-90.

ANNEXURE

BEFORE SHRI V.N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT, JABALPUR (M. P.)

CASE NO. CGIT/IC(R)/(8)1985.

PARTIES :

Employers in relation to the management of Western Railway, Neemuch, under the Divisional Superintendent, Western Railway, Raftlam and their workman Shri Viresh Rawal S/o Shri Shilvashankar

Rawal, Mehta Nivas, Bhageshwar Mahadeo Road, Neemuch-458441 (M.P.)

APPEARANCES :

For Workman.—Shri P.N. Nair, Advocate.

For Management.—Shri G.L. Gupta, Advocate.

INDUSTRY.—Railways

DISTRICT.—Neemuch (M. P.)

AWARD

Dated : 3-4-1990.

This is a reference made by the Central Government, Ministry of Labour, vide its Notification, No. L-41025/11/83-D.II. B. Dated 8th January, 1985, for adjudication of the following dispute:—

“Whether the orders of the management of the Western Railway terminating the services of Shri Viresh Rawal ex-temporary Khalasi, Western Railway, Neemuch with effect from 30-6-1974 are valid? If not what relief Shri Rawal is entitled to?”

2. Undisputed facts of the case are that the workman was employed by the Assistant Engineer, Neemuch on 28-11-1969 in the Western Railway. Casual Labour on completion of six month continuous employment acquire temporary status and are entitled to avail the rights and privilege as admissible to temporary railway servants. It is also not disputed that the Assistant Engineer, Western Railway vide order dated 31-5-1974 terminated the services of the workman with effect from 30-6-1974. It has also not been challenged that the workman concerned was pursuing his dispute in conciliation proceedings. The A.L.C.(C) Bhopal vide his order dated 11-6-1980 closed the cases, thereafter the workman filed Writ Petition No. 140/80 before the High Court, The High Court by its Order dated 24-2-11983 directed the Government to reconsider the case of the workman and to make a reference for adjudication. In the year 1974 (M.P. No. 117/74) and 1977 (Writ Petition No. 10/77) the workman filed writ petitions. They were respectively dismissed on 25-7-1974 and 24-7-1979 on the ground that alternative remedy is available.

3. The case of the workman in brief is that he was employed as Khalasi. He attained the temporary status of Khalasi on 4-10-1970 after completing six months service and continued to serve in that capacity till 30-6-1974. His services were terminated without giving retrenchment compensation in violation of the provisions of Sec. 25F of the I.D. Act. His case was also not considered subsequently when vacancy arose. He was neither surplus nor unwanted. There are several people who are still working and their services were never terminated. He is, therefore, entitled to the declaration what his order of termination is void ab initio and he is entitled to full back wages with all consequential benefits to which he would have been entitled has he been in service.

4. Accordingly to the management, the workman was not employed as Khalasi. He was engaged as

casual labour as he along with others was rendered surplus. One month's notice for termination was given to them on 26-4-1974 but subsequently some temporary posts on being made available they were continued upto 30-6-1974, hence the termination notice was given to the workman on 31-5-1974. The workman was offered retrenchment compensation but the workman did not receive the same. There is no violation of provisions of Sec. 26F or Sec. 25G of the I.D. Act. No persons junior to him were retained in that particular unit. He was offered a post on 28-7-1974 but the workman expressed his unwillingness to work as casual labour though other retrenched senior casual labours turned up for the job on 25-9-1974. The reason was that the workman concerned was working as L.I.C. Agent from 30-9-1974 and was not inclined to accept the job of casual labour or appointment as unapproved substitute again offered to him on 20-6-1976. He was again offered payment of salary and compensation upto 22-11-74 but was not accepted by him. He is, therefore, not entitled to any relief whatsoever.

5. Reference was the issue in this case.

6. The management has proved Ex. M/1 to Ex. M.25 in support of its case and has also examined Manohar as M.W.1. The workman on his part has examined himself.

7. It is sought to be brought out in evidence that the workman was not only offered job but he also worked for some time in the meanwhile. But this has no substantial effect on the merits of the case because in case if it is held that the retrenchment of the workman was in violation of the provisions of Sec. 25F of the I.D. Act it is needless to look into the other aspects of the case.

8. The workman himself admitted that he was appointed as casual labour and he was given temporary status of Khalasi from 4-10-1970 but his status as such remained the same. Obviously, the workman had served for a couple of years continuously. He was given a retrenchment notice alright which fact has not been disputed by the workman himself.

9. But the workman has stated on oath that he was denied retrenchment compensation at the time of the termination of service. M.W.1, Manohar, who has been examined on affidavit has admitted during his cross-examination that the amount of retrenchment compensation was offered to Shri Viresh Rawal on or around 24-11-1974. It is pertinent to note that his services were terminated with effect from 30-6-1974 while he was offered retrenchment compensation on or about 24-11-1974 (Para 1 of his deposition at page 4). Thus there is obvious violation of the provisions of Sec. 25F of the I.D. Act.

10. The object of the legislature had in mind in making this condition obligatory and in making it as a condition precedent, was to partially redress the hardship caused by retrenchment. The compensation for retrenchment therefore must be paid “at the time of retrenchment”. It is implicit in the requirement to

pay compensation at the time of retrenchment that the law recognises and declares the right of the workman to compensation at the time of retrenchment, it necessarily means that a corresponding right has been created in favour of the workman. This condition is a condition precedent to a valid order of retrenchment. If, therefore, no retrenchment compensation is paid to the workmen before they are asked to go, the retrenchment order is bad and invalid and imperative in law. If the retrenchment order is invalid in law ab initio, subsequent payment of compensation cannot validate it. Even if the workman received compensation subsequent to the order of retrenchment, they will not be estopped from challenging the legality and validity of the order of retrenchment for there can be no estoppel against the statute. (See also O. P. Malhotra—On the Law of Industrial Disputes, Fourth Edn. Vol. II page 1341—1343).

11. I need not go into the details of the fact that any type of termination is a retrenchment in the eye of law as has been constantly observed by the Supreme Court and has been reiterated in the latest judgment dated 4th May, 1990 passed in several appeals nos 3241-48 of 1981 (The Punjab Land Development & Reclamation Corporation Ltd., Chandigarh Vs. The Presiding Officer, Labour Court, Chandigarh and others). It has been observed as follows in concluding paragraph of the judgment :—

“Applying the above reasonings, principles and precedents to the definition in S. 2(oo) of the Act, we hold that the “retrenchment” means the termination by the employer of the service of a workman for any reason whatsoever except those expressly excluded in the section.”

12. That being so, the order of termination of the workman concerned is void ab initio and is liable to be set aside and the workman concerned would be deemed to be in continuous service from 1-7-1974 onwards.

13. The management has, however, shown that the workman worked for a day in the meanwhile. He is also working as Agent of the L.I.C. of India as per Ex. M/22 and Ex. M/23. He would, therefore, not be entitled to the back wages.

14. The workman shall be deemed to be in continuous service and all consequential benefits arising therefrom except the back wages. He will be entitled to wages from the date of the award or the date of joining in service, as the case may be, if he is not serving anywhere else as Agent or otherwise. He will, however, be entitled to all the consequential benefits including seniority and fixation of pay.

15. The reference is, therefore, answered as follows :—

- (1) The orders of the management of the Western Railway terminating the services of Shri Viresh Rawal Ex-temporary Khalasi Western Railway, Neemuch, with effect from 30-6-1974 are not valid.
- (2) He will be deemed to be in continuous service and would be entitled to all consequen-

tial benefits including seniority and fixation of pay except back wages.

- (3) The workman shall be entitled to the wages from the date of award if he is not serving as Agent or otherwise elsewhere or from the date of joining, as the case may be.

(4) No order as to costs.

Award is given accordingly.

Date : 3-9-1990

V. N. SHUKLA, Presiding Officer

[No L-41025/11/83-D.II(B) (Pt)]

का. आ. 2580:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फ्रेश वाटर फिश फार्म, बालाभद्रापुरम के संबंधित नियोक्ताओं और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकटित इन्वी है, जो केन्द्रीय सरकार को 11-9-90 को प्राप्त हुआ था।

S.O. 2580.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Fresh Water Fish Farm, Balabhadrapuram and their workmen, which was received by the Central Government on 11-9-90.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri K. Taranadh, B. Com., B.L.,
Industrial Tribunal

Dated, the 27th August, 1990

Industrial Dispute No. 66 of 1988

BETWEEN :

The Workman of Fresh Water Fish Farm,
Balabhadrapuram, E.G. Distt.. (A.P.)

And

The Management of Fresh Water Fish Farm,
Balabhadrapuram, E.G. District. (A.P.)

APPEARANCES :

Sri P. B. Vijaya Kumar, Advocate for the Workmen.

Sarvasri S. Venkata Reddy, C. N. Suryanarayana and S. Subramanyam Reddy, Advocates for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/14/87-D.II(B), dated 7-7-1988 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of

Fresh Water Fish Farm, Balabhadrapuram and their workman to this Tribunal for adjudication :

"Whether the action of the Management in terminating the services of Sri Yella Butchilingam is justified? If not, to what relief the workman is entitled to and from what date?"

This reference was registered as Industrial Dispute No. 66 of 1988 and notices were issued to both the parties.

2. Both the parties filed their respective claim statement and counter. Enquiry was posted from time to time and finally on 3-8-1990 both parties filed a Memo dated 17-7-1990 to pass an award by closing the industrial dispute as the same need not be adjudicated. This Memo is treated as part and parcel of an award.

3. Hence an Award is passed accordingly. A copy of the said Memo is enclosed herewith.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 27th day of August, 1990.

K. TARANADH, Industrial Tribunal.
[No. L-42012/14/87-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer.
INDUSTRIAL TRIBUNAL

Appendix of Evidence

NIL

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL AT HYDERABAD

I.D. No. 66 of 1988

BETWEEN

Y. Butchilingam :—Petitioner Workman
AND

Scientists in-charge ICAR Fresh Water Fish Farm, Bhalabhadrapuram, East Godavari Dist.—Respondent/Management.

Memo of withdrawal filed by the Parties

It is respectfully submitted that the above I.D., was filed by the workman seeking relief of reinstatement.

The management/respondent had filed the counter denying all the allegations and offering employment to workman as and when his services are required on seasonal basis.

It is further submitted that the workman's case was considered by the management and his name was sponsored by the employment exchange for a regular post in the respondent organisation. The workman was found suitable. The management by its letter No. 2-6-1989 (Admn.) 5604 offered employment to the petitioner. The petitioner has accepted the offer of employment. Under these circumstances and for the said reason of employment of workman in the respondent-organisation, the workman and respondent/management herein prays that this Hon'ble Tribunal may be pleased to pass an award by closing the I.D., as the same need not be adjudicated.

Signature illegible
Workman/Petitioner
Sd]- (Illegible)

Hyderabad
Dt. 17-07-1990.

नई दिल्ली, 13 सितंबर, 1990

का. आ. 2581:—औद्योगिक विवाद प्रविनिवम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, स्टेट बैंक ऑफ पटियाला के प्रबन्धकों के संवद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रार्थित करने का है, जो केन्द्रीय सरकार को 13-9-90 को प्राप्त हुआ था।

New Delhi, the 13th September, 1990

S.O. 2581.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on 13-9-90.

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 8/90

In the matter of dispute between :

Shri Desh Raj Singh, through Adhayaksh, All Bank 4th Class Karamchari Sangh, F-750, Kamla Nagar, Agra.

Vs.

Zonal Manager, State Bank of Patiala, Zonal Office, Connaught Place, New Delhi.

APPEARANCES :

None for the workman.

Shri S. S. Sharma for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/269/89-IR(B-3) dated 11-6-90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the Management of State Bank of Patiala was justified in not promoting Shri Desh Raj Singh, working as Guard at Sanjay Place, Agra Branch, to the post of Havaladar, and also non-grant of gun allowance w.e.f. 1-9-1987? If not, to what relief the workman is entitled to?"

2. The workman did not appear on 23-7-90 and therefore, registered notice was ordered to be issued to the workman for 28-8-90. He did not appear even on that date. He had authorised three representatives to appear on his behalf but no representative also appeared in this case. It appears that the workman is not interested in proceeding further in this matter and therefore, no dispute award for want of prosecution by the workman is passed. 31st August, 1990.

GANPATI SHARMA, Presiding Officer
[No. L-12012/269/89-IR(BIII)]

S. C. SHARMA, Desk Officer
Sd]- (Illegible)

